

SENATE JOURNAL

Second and Third Extraordinary Sessions

Forty-Third Legislature

STATE OF WASHINGTON



AT

OLYMPIA, the State Capital

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SENATE JOURNAL
of the
Second Extraordinary Session
Forty-Third Legislature
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, the State Capital

Convened September 8, 1973
Adjourned Sine Die September 15, 1973

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JOURNAL OF THE SENATE

STATE OF WASHINGTON

SECOND EXTRAORDINARY SESSION

OF THE

FORTY-THIRD LEGISLATURE

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, September 8, 1973.

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 Color Guard, consisting of Pages Jim Graham and Donnilyn Bahr, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE RECALL TODAY YOUR WORDS IN EXODUS (III.7) SPOKEN TO MOSES, 'I HAVE SEEN THE AFFLICTION OF MY PEOPLE WHO ARE IN EGYPT AND HAVE HEARD THEIR CRY BECAUSE OF THEIR TASKMASTERS. I KNOW THEIR SUFFERINGS AND I HAVE COME DOWN TO DELIVER THEM.' WE CRY OUT TO YOU TODAY IN OUR AFFLICTION. PEOPLE ARE WORRIED ABOUT POLITICAL LEADERS AND THE PRIORITIES THEY PURSUE. TODAY, CAUGHT IN OUR FRUSTRATIONS, DUE TO INFLATION, TO MISTRUST OF EACH OTHER, WE TURN TO YOU WHO SENT MOSES TO DELIVER YOUR PEOPLE OF OLD IN EGYPT. GIVE TO THOSE IN THIS SENATE A VISION, A WISDOM AND COURAGE TO ENACT LEGISLATION FOR THE PEOPLE OF THIS STATE THAT WILL INSTILL CONFIDENCE IN OUR POLITICAL PROCESS, AND WILL FREE OUR PEOPLE FROM THE BURDEN OF INFLATION AS IT OPPRESSES IN PARTICULAR THE BLIND, THE ELDERLY AND DISABLED. HELP EACH SENATOR TO SEE THAT HE CARRIES THE MANTLE OF MOSES, THAT IN REALITY HE IS SENT TO OLYMPIA TO ENACT LAWS THAT DO NOT ENSLAVE, DO NOT MAKE ONE SECTOR OF THE STATE OR THE ECONOMY OPPRESS ANOTHER, BUT THAT THROUGH JUSTICE WE ARE FREE AND WE THE PEOPLE IN GOVERNMENT, AND OUT, CAN TRUST EACH OTHER. AMEN."

MESSAGE FROM THE SECRETARY OF STATE

September 8, 1973.

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

MR. PRESIDENT:

I, A. Ludlow Kramer, Secretary of State of the state of Washington and custodian of the Seal of said State, do hereby certify that: I have carefully compared the annexed copy of a proclamation by the Governor calling an extraordinary session of the Legislature to convene on the 8th day of September, 1973, with the original copy of said proclamation now on file in this office, and find the same to be a full, true and correct copy of said original, and the whole thereof, together with all official endorsements thereon. IN TESTIMONY WHEREOF, I have set my hand and affixed hereto the seal of the state of Washington. Done at the Capitol at Olympia on this the date of September 8, 1973.

A. LUDLOW KRAMER
Secretary of State.

PROCLAMATION BY THE GOVERNOR:

At the time of its adjournment sine die on April 15, 1973, the First Extraordinary Session of the Forty-third Legislature of the State of Washington had pending before it legislation of substantial importance to the citizens of our state. Much of the legislative work needed by the people of this state had not been completed. It is the apparent sentiment of a large number of members of the legislature that the unfinished work can be completed in another extraordinary session over a period of nine consecutive days during the month of September, 1973.

In the event such extraordinary sessions were called, the subjects of critical concern toward which the Legislature should direct its attention are:

1. *Tax Reform.* Action is needed to perfect the implementation of tax reform in the event HJR 37 is approved by the voters in November, 1973. A number of corrections and revisions must be made prior to January 1, 1974, in order to clarify portions of the implementing statute and to avoid possible instances of double taxation. Examples of specific changes required include delaying the effective date of special levies voted in 1973 until the final vote on HJR 37 is computed and the adding of definitions and rules of interpretation for administering the statute.

2. *School Distribution Formula.* It is vital that the school fund apportionment formula be modified to insure that the change in the state funding method which would result in the event of the passage of HJR 37 does not result in unforeseen hardship to any school district.

3. *Four Percent County-City Allocation.* Mechanics of implementation must be enacted to facilitate the transfer of the 4% allocation to counties and cities under the tax reform implementation statute in the event of passage of HJR 37.

4. *Property Tax Increase Limit.* A one-year deferral of the 106% property tax lid is required because of inequities which will result from the fact that there are areas in the state where revaluation has not been completed. The 106% limitation was originally enacted and was intended to go into effect only after all properties had been subject to revaluation.

5. *Supplemental Security Income.* Federal funding for various programs now in existence and administered by the state for aid to the elderly, blind and disabled stand to be completely lost unless changes are enacted before January, 1974, to conform to recent changes in federal legislation relating to such programs.

6. *Economic Impact Act.* A measure now pending before the legislature designed to alleviate the adverse social and economic effects to individuals and communities resulting from closure of state institutional facilities and programs is desperately needed to help the hundreds of persons affected by the closure of Northern State Hospital. If action on this

measure is not taken in September, benefits provided thereunder will be lost for those individuals.

7. *Energy Crisis.* Anticipated energy shortages in the area of electrical power in addition to gasoline may severely impact the state during the coming winter without the enactment of legislation aimed at easing the shortages through the curtailment of electrical consumption and provision for generating additional capacity in the area.

8. *Civil Commitment Law.* Implementation of the recently enacted Civil Commitment Law must be delayed because of significant changes which were enacted so that administrative authorities are able to set up all proper procedures to protect fully the rights of all persons affected thereunder.

9. *Budget Adjustments.* Several adjustments in the state budget must be made before January, 1974, in order to take advantage of federal funds recently made available which could substantially aid a number of programs on the state level.

In addition, other matters of major significance which should be attended to by the Legislature insofar as time constraints of the extraordinary session will permit include: (1) Funding for public transportation to help in alleviating the problems created by our energy crisis; (2) Creation of a statewide planning and administrative structure in the area of transportation to preserve and further technical competence already acquired in this area, and to integrate the various social, economic and environmental considerations; (3) Funding for the Department of Ecology to continue its oil spill monitoring program in Puget Sound; (4) Statewide land use planning and management; and (5) Creation of a Department of Community Development committed to the coordination and furtherance of state and local community development and planning activities.

As a result of the foregoing matters which have not been attended to, an emergency exists constituting an extraordinary occasion within the meaning of Article III, Section 7, of the Constitution of the State of Washington.

NOW, THEREFORE, I, Daniel J. Evans, Governor of the State of Washington, by virtue of the authority vested in me by the Constitution, do hereby convene the Legislature of the State of Washington in Extraordinary Session in the Capitol at Olympia on the eighth day of September, A.D. 1973, at the hour of nine o'clock a.m., and

I DO HEREBY SPECIFY, in accordance with the requirements of the Constitution that the purposes for which the Legislature is convened are:

To appropriate sufficient funds and raise sufficient revenues to carry on the necessary functions and services of state government; and

To consider the enactment of the several other measures specified above for the benefit of the people of the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 21st day of August, A.D. Nineteen Hundred and Seventy-Three.

DANIEL J. EVANS
Governor of Washington.

BY THE GOVERNOR:
A. LUDLOW KRAMER
Secretary of State.

MESSAGE FROM THE GOVERNOR

Office of the Governor, September 8, 1973.

TO THE HONORABLE, THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON.

GENTLEMEN:

The convening of the Second Extraordinary Session of the Forty-third Legislature presents a unique challenge. Those of us in the legislative and executive branches of government have an opportunity to demonstrate to the people of this state that we can conduct public affairs with efficiency and dispatch while at the same time the needs of the

people are being met. We can show that representative government can and does work. In a time when the popular regard for the governmental process seems to be at a low ebb, this challenge is one which must be met.

While the state of the state is good, there is much to be done during this session. I believe there is general agreement among legislators and between the legislative and the executive as to the key issues which confront us, both budgetary and substantive. These matters are now before you and need not again be presented by me. The entire executive branch of government, the staff of the Office of the Governor and I, personally, are looking forward to working with you during the nine days of this extraordinary session. I am confident that on September 16 we will be able to say to the people of Washington that we wisely and properly conducted their business here in Olympia.

Sincerely,
DANIEL J. EVANS
Governor of Washington.

COMMUNICATION FROM THE GOVERNOR

Office of the Governor, September 7, 1973.

MEMBERS OF THE WASHINGTON STATE LEGISLATURE

DEAR MEMBERS:

The primary purpose of this letter is to request legislative action on several budgetary matters which have developed since the 1973 session and because of their emergent nature must be considered now, rather than in the regular supplemental budget to be presented to the January 1974 Special Session of the Legislature. A secondary purpose is to provide members of the Legislature with a fiscal report on the recently completed 1971-73 biennium as well as an economic and fiscal review of the current 1973-75 biennium. Finally, I have identified a number of fiscal problems which are of concern to me but which can await action until the January 1974 Special Session.

Since the 1973 session, we have become aware of a number of fiscal problems which need to be resolved by the Legislature. In reviewing these fiscal matters, and in view of the limited amount of time available during the September session, it was concluded that it would be appropriate to request the Legislature to take action in September on only critical or emergent items that cannot reasonably await legislative action in the regular Supplemental Budget which will be submitted in January, 1974. Accordingly, the items for which appropriations are being requested in September are as follows:

- 1. ECONOMIC IMPACT ACT \$4,054,750

The Economic Impact Act is designed specifically to assist the approximately 780 state employees and the four communities affected by the closure of Northern State Hospital, Firland TB Sanitarium, Spruce Canyon Youth Camp, and Clearwater Honor Camp. In the Act, benefits are provided for affected employees who wish to retire early, who transfer to other state employment located outside of "reasonable commuting distance," or who decide to terminate their employment with the state. The total cost of the employee benefit provisions is \$1,411,000. The Act also provides for a community assistance program which is intended to assist those communities in which a state institution is located and whose closure will result in a major economic loss to the community. The Act provides for a community assistance grant of up to \$5,000 for each full-time employee who transfers to other state employment more than 25 miles from the affected community or who terminates his employment with the state and does not retire. These compensatory Community Assistance Grants are to be used by the local communities for economic development programs to ameliorate the income losses resulting from the operation of a state institution. The community benefits provisions will cost \$2,643,750. The total cost of both the employee and the community benefits provisions is \$4,054,750.

- 2. TEACHERS' RETIREMENT SYSTEM \$810,000

This legislation is necessary to bring some 370 teachers who retired prior to 1957 and do not receive social security up to parity with the rest of the retired teachers. These persons were inadvertently excluded from House Bill No. 419 which increased benefits for all retired teachers, except this category. The cost of this legislation is \$810,000.

3. OTHER ITEMS

A. *Council on Higher Education.* The 1973 Legislature approved a \$4.6 million appropriation to the Council on Higher Education for aid to needy and disadvantaged students. Of this appropriation, \$2.8 million was to be used for the State Need Grant Program and \$1.8 million for the Tuition Supplement Program. The State Supreme Court subsequently held that the Tuition Supplement Program was unconstitutional because the program aided private, religious oriented institutions of higher education.

The 1973 Legislature also approved the initiation of a new student loan program. This new program, however, has also been challenged and will not be implemented until a test case can be prepared and decided.

As a result of the Supreme Court decision, and the lack of an alternative student loan program, it is recommended that legislation making the \$1.8 million available for the State Need Grant Program be approved.

B. *Superintendent of Public Instruction* \$150,000

The 1973 Legislature provided an appropriation of \$750,000 to the Superintendent of Public Instruction for aid to private education. As the result of a recent Supreme Court case, the appropriation was declared invalid. The Superintendent has requested that \$150,000 of the appropriation be made available to his Office for studies relating to staffing, curriculum and financial analysis of non-public common schools within this state so that a more complete evaluation of the financial and program status of private educational institutions can be made available.

C. *Superintendent of Public Instruction—Handicapped Facilities* \$1,500,000

The Superintendent of Public Instruction has requested that the Legislature waive local matching requirements for those expenditures necessary to allow school districts to effectively comply with House Bill No. 90, the Education for All Act. The proposed expenditures would fund wheelchair ramps, guiderails, sanitary facility renovation and other related changes to existing facilities. Also included is the completion of three projects approved in 1972-73 for funding from the handicapped unmet needs appropriation. It is recommended that these projects be approved for completion within the total existing appropriation from the Common School Construction Account.

D. *Superintendent of Public Instruction—Training School Bus Drivers* \$47,000

The Superintendent has requested the authority to use \$47,000 of funds appropriated by the 1973 Legislature for school district transportation reimbursement to provide a training program for school bus drivers. It is recommended that this change be authorized as requested.

E. *Department of Natural Resources—Court Settlement* \$2,250,000

A court judgment totalling \$2,744,303 has been entered against the Department as a result of damages incurred when slash fires set by the Department got out of control. A second claim for a separate fire will probably result in an additional judgment for approximately \$150,000. The second claim will not go to trial until December.

The first judgment has been appealed, but there is little likelihood it will be overturned in total. The plaintiff is willing to settle both claims for \$2,250,000 if they are acted upon in September rather than having protracted litigation continue and probably not receive payment until sometime in 1975. This represents about a \$650,000 savings to the Department, and it is recommended the appropriation from the Resource Management Cost Account to obtain this savings be approved by the September Session.

F. *Labor and Industries Electricians' Certificate Fund* \$80,500

Section 109 of Senate Bill No. 2854 passed by the 1973 Legislature provides \$80,500 to the Department of Labor and Industries from the Electrical Certificate Fund for the licensing and certification of electricians. The implementing bill, Senate Bill No. 2183, however, provided that "all monies received from certificates, permits or other (electrical license) sources shall be paid to the General Fund." Because of this oversight in Senate Bill No. 2854, funds are not available for implementation. The amount of \$80,500 should be

appropriated from the General Fund since the revenue will be deposited in that fund and therefore it is recommended the appropriation be made by the September Session.

With legislative resolution of these critical problems during this brief September session, other budgetary and fiscal problems, identified in the attached report, can await resolution until the regular Supplemental Budget review in January 1974.

Sincerely,
DANIEL J. EVANS
Governor.

REPORT TO THE SEPTEMBER 1973 LEGISLATIVE SESSION

Daniel J. Evans, Governor

I. *The 1971-73 Biennium.* The summary tables below provide comparison of the 1971-73 General Fund and All Budgeted Funds revenues and expenditures anticipated at the time of the 1973 Session with 25th month actual fiscal amounts for the same period.

REVENUES 1971-1973 Biennium (\$ in Millions)

	General Fund		All Budgeted Funds	
	Session Estimates	Actual*	Session Estimates	Actual*
Taxes:				
Retail Sales & Use	\$ 945.8	\$ 958.1	\$ 985.5	\$ 998.2
Motor Vehicle Fuels	-0-	-0-	310.8	311.7
Business & Occupation	281.0	291.0	281.0	291.0
Property	156.9	148.6	156.9	148.6
Excise	72.1	73.9	114.7	115.9
Public Utility	82.3	82.1	82.3	82.1
Alcoholic Beverages	88.9	88.8	105.8	105.7
Tobacco	88.0	88.5	103.9	104.3
Inheritance & Gift	66.7	67.0	66.7	67.0
Insurance Premium	37.5	36.9	37.5	36.9
All Other	<u>13.4</u>	<u>14.7</u>	<u>14.8</u>	<u>18.6</u>
Total Taxes:	\$1832.6	\$1849.6	\$2259.9	\$2280.0
Federal Grants	496.3	482.3	1097.2	1130.9
Federal Revenue Sharing	-0-	-0-	39.6	40.7
Proceeds of Bond Issues	-0-	-0-	295.7	257.6
Licenses, Permits, Fees	17.1	17.4	156.6	159.6
Liquor Profits	32.7	32.6	89.3	88.2
All Other ^{A/}	<u>39.9</u>	<u>22.5</u>	<u>451.7</u>	<u>484.1</u>
Total Revenue:	\$2418.6	\$2404.4	\$4390.0	\$4441.1

* Does not include final closing adjustments.

^{A/} Surplus revenues of \$10.4 million were transferred to the Teachers' Retirement System per chapter 155, Laws of 1972 and are not included in General Fund Revenues.

COMMENT: In the aggregate, 1971-73 General Fund tax revenues totalled \$1849.6 million, exceeding session estimates by \$17.0 million. This represented a variance, however, in terms of total revenue of less than 1 percent. The major increases were in the retail sales and business and occupation taxes, which reflected the impact of both inflationary pressures and a level of business activity which was slightly in excess of forecasts. The increases in these taxes were, however, partially offset by less than estimated collections of property tax

revenues. These reduced collections, for the most part, were the result of the King County Superior Court decision earlier this year concerning the implementation of the tax limitation provisions of Senate Joint Resolution No. 1, as well as subsequent actions of the State Supreme Court.

Revenue from federal grants to the General Fund fell short of earlier estimates by \$14.0 million. This is primarily the result of lower than anticipated public assistance caseloads and the overall reductions in federal expenditures initiated by the National Administration with a primary impact on programs in the area of Social and Health Services and Education.

Total actual 1971-73 General Fund revenues of \$2404.4 million, as shown in the table, do not reflect some \$10.4 million in surplus revenues transferred to the Teachers' Retirement System per Chapter 155, Laws of 1972. When this transfer is taken into consideration, total General Fund revenue was within \$4 million of session estimates.

EXPENDITURES SUMMARY
1971-1973 Biennium
(\$ in Millions)

	<u>General Fund</u>		<u>All Budgeted Funds</u>	
	<u>Session Estimates</u>	<u>Actual*</u>	<u>Session Estimates</u>	<u>Actual*</u>
Education:				
Public Schools	\$ 817.5	\$ 812.3	\$ 873.8	\$ 879.3
Community Colleges	119.7	120.5	180.8	199.1
Higher Education	273.3	277.9	636.8	660.0
All Other Education ^{A/}	<u>65.6</u>	<u>71.4</u>	<u>75.3</u>	<u>83.9</u>
Total:	\$1276.1	\$1282.1	\$1766.7	\$1822.3
Human Resources:				
Social & Health Services	941.2	934.1	1010.3	1007.6
Other Human Resources	<u>31.3</u>	<u>32.4</u>	<u>104.1</u>	<u>134.6</u>
Total:	\$972.5	\$966.5	\$1114.4	\$1142.2
Transportation:	5.5	5.5	684.7	658.5
Natural Resources & Recreation	56.3	60.9	169.6	159.6
General Government:				
Legislature	13.2	12.7	13.6	13.0
Judicial	7.8	7.8	8.0	8.0
Executive	33.8	33.8	66.5	67.4
Other General Government	<u>5.0</u>	<u>5.1</u>	<u>47.7</u>	<u>46.3</u>
Total:	59.8	59.4	135.8	134.7
Bond Retirement and Interest	--	--	153.6	156.9
Payments to Political Subdivisions	15.4	15.4	229.4	229.7
Reserve for Supplemental Expenditures and Appropriations	<u>29.6</u>	<u>.9</u>	<u>56.7</u>	<u>1.6</u>
TOTAL EXPENDITURES:	\$2415.2	\$2390.7	\$4310.9	\$4305.5

* Does not include minor closing adjustments.

A/ Actuals include \$25.00 million which was appropriated to the Teachers' Retirement System per Chapter 137, Laws of 1973, Section 88 in anticipation of surplus revenue. The session estimate includes \$18 million for this purpose based upon budget revenue estimates.

COMMENT: 1971-1973 General Fund expenditures of \$2,390.7 million fell short of the 1973 Session estimate of \$2,415.2 million by \$24.5 million. This was primarily due to higher than expected unexpended balances of state agency appropriations at the end of the biennium and variances between the receipt of estimated and actual federal revenues.

With respect both to Public Schools and Social and Health Services, lower than estimated expenditures were the result of reduced levels of federal funding. This in turn resulted in reduced expenditure of state funds and higher than expected state agency unexpended balances.

A substantial portion of the increase, from session estimates, in Higher Education expenditures resulted from the inclusion, in the actual data, of salary adjustment monies as approved by the Legislature but not allocated in the Session estimate to specific institutions. The increase in "All other Education" is attributable to increased appropriations for redeemed warrants outstanding against the Teachers' Retirement Fund based upon expected surplus revenue. Originally estimated at \$18 million, the allocation was increased to \$25 million as the result of higher than estimated General Fund tax revenue.

The increase in expenditures for Natural Resources and Recreation of \$4.8 million was primarily the result of the distribution of surplus revenues to the Economic Assistance program.

Within the \$29.6 million included in the session estimate for General Fund Reserve for Supplemental Expenditure and Appropriations is \$10.1 million for salary increases and \$15.6 million for the Economic Assistance program and \$1.5 million for EXPO '74. With the exception of the Economic Assistance program, these amounts are allocated to the appropriate areas in the actual biennial expenditures. Of the Economic Assistance monies, \$6.8 million was allocated to appropriate agencies; \$7.2 million was transferred to the Public Service Revolving Fund for expenditure in 1973-1975 and \$1.6 million remains unexpended.

GENERAL FUND SUMMARY
(\$ in Millions)

		Session <u>Estimate</u>	<u>Actual</u>
<u>1971-73</u>	Beginning Balance 7/1/71	31.0	31.0
	Revenues	2418.6	2404.4
	Expenditures	<u>2415.2</u>	<u>2390.7</u>
	Ending Balance 6/30/73	34.4	44.7
		Current <u>Estimate</u>	
<u>1973-75</u>	Beginning Balance 7/1/73	44.7*	
	Revenues	2643.1	
	Expenditures	<u>2647.8</u>	
	Ending Balance 6/30/75	40.0	

*Actual

COMMENT: It will be noted that the 1971-73 General Fund ending balance of \$44.7 million exceeded session estimates of \$34.4 million by \$10.3 million. This increase in the fund balance is largely the result of agency expenditures being less than anticipated during the session.

With the beginning balance of \$44.7 million, as of 7/1/73, current projections of 1973-75 revenues are exceeded by expenditures of \$4.7 million leaving a projected fund balance of \$40 million. It should be noted that there are uncertainties connected both with respect to revenues and expenditures in this biennium and the projections of \$40 million ending General Fund Balance is subject to several important qualifications and are discussed later in this presentation. Following is a discussion of the current outlook for the 1973-75 biennium.

II. *The 1973-75 Biennium Economic Review.* In the view of most economists, the current period is one of extreme uncertainty. Economist Alfred Malabre, Jr., writing recently in the Wall Street Journal, said that, "appraising economic trends in today's inflationary economy would be exceedingly difficult business even for the most eminently qualified forecaster."

The Phase IV economic controls will have yet to be proven and as Washington State has the highest reliance on excise, or sales-type taxes, of any state in the nation, the outcome of these controls will have a vital and determining impact on the economic and revenue estimates upon which the 1973-75 budget is based. In addition, there is a general consensus among national economists that the nation has begun to feel, or will soon feel, the signs of an economic downturn. The most recent issue of "Business Week" reports, for example, that while consumer and business spending are holding up well, economists are more and more concerned about the outlook for 1974. This was the general consensus of members of the Governor's Economic Advisory Council, which met recently in Olympia. The members of this group did indicate that the downturn would not likely be serious and that little of it would be directly felt by most citizens of this state. They also advised, however, that there are uncertainties in the state's outlook which should not be overlooked. For example, recent trends in interest rates are having the effect of slowing growth in Washington's important Forest Products industry, which has been one of the strongest elements in the State's economic resurgence over the past two years.

The aerospace industry, which together with the forest products industry has been responsible for much of the recent gain in employment and incomes in Washington, has also begun to feel the impact of the economic slowdown and inflationary pressures. This is primarily true of their domestic business as foreign sales have benefitted by dollar devaluation and the resultant lower prices of American goods.

In the agricultural sector, despite problems of drought in Eastern Washington this year, record farm prices will benefit this increasingly important element in the state's economy.

The key factor with respect to the economic and revenue forecasts on which the budget is based is in summary; however, inflation and the uncertainties connected with the outcome of Phase IV controls. Despite these uncertainties, the Office of Program Planning and Fiscal Management, working with the Department of Revenue and other responsible state agencies will continue to monitor general economic conditions and undertake a full review of the state economic forecasts and revenue estimates prior to the January 1974 Special Session and will submit the necessary updated data and forecasts at that time.

REVENUE SUMMARY
1973-75 Biennium
(\$ in Millions)

	General Fund	All Budgeted Funds
Taxes:		
Retail Sales and Use	\$1099.2	\$1160.4
Motor Vehicle Fuels	-	337.3
Business and Occupation Property ¹	331.1	331.1
Excise	42.0	42.0
Public Utility	86.8	132.3
Alcoholic Beverages	97.1	97.1
Tobacco	89.2	101.6
Inheritance and Gift	99.1	108.1
Insurance Premium	64.4	64.4
All Other	43.4	43.4
	<u>14.8</u>	<u>15.9</u>
 Total Taxes:	 \$1967.1	 \$2433.6
 Other Revenues:		
Federal Grants	572.1	1130.8
Federal Revenue Sharing	-	60.3
Proceeds of Bond Issues	-	248.2
Licenses, Permits and Fees	20.0	173.1
Liquor Profits	40.6	107.8
All Other	<u>43.3</u>	<u>467.3²</u>
 Total:	 \$2643.1	 \$4621.1

¹ Although the state will collect an estimated \$94,650,000 per House Bill No. 186 in property taxes for Public Schools beginning in calendar year 1975, the money has not yet been appropriated and has therefore been omitted from the revenue estimates.

² All other revenue has been decreased by \$10.5 million to reflect Department of Social and Health Services caseload reserve established per Senate Bill No. 2800.

COMMENT: The basic General Fund revenue estimates have not as yet been updated for the purpose of this special session, as there has not been sufficient experience in the new biennium to judge against the economic factors used in connection with the original budget estimates and the actual revenue collections themselves.

Each of the major revenue sources will be carefully reviewed prior to the January 1974 Special Session and, where necessary, revised estimates will be prepared. One important change in state revenue which has occurred is the impact of the recent State Supreme Court decision in the Department of Revenue vs. Hoppe. In this decision the court upheld the contention of the King County Assessor that tax limitation provisions of Senate Joint Resolution No. 1 would be effective with taxes levied in 1972 for collection in 1973. It had been the opinion of state legal officials that the fiscal impact of the measure would not be felt until 1974, reflecting 1973 property tax levies. The Department of Revenue has advised that estimates of state property tax collections deposited in the General Fund will have to be reduced by some \$17 million for the 1973-75 biennium. It is recommended, however, that this adjustment in revenue estimates not be made until the January session, to provide the opportunity to evaluate the total economic and revenue outlook for the state.

With respect to the question of property taxes, it should also be noted that the amounts shown do not fully reflect the impact of House Bill No. 186, passed by the 1973

Legislature. This measure will have the effect of transferring, effective in 1975, present local public school property taxes to a state levy. An appropriation for allocation of these funds will be required and legislation to accomplish this will be introduced in the 1974 Special Session.

In addition to the review of tax estimates, the estimates of federal grants will also be carefully reviewed prior to the January 1974 Legislative Session. The current status of many ongoing grants is highly uncertain and it will not be possible to determine Congressional actions in this area until the fall term is well underway. Additional comments on the current status of federal grants is included under Section III.

EXPENDITURES SUMMARY
1973-1975 Biennium
(\$ in Millions)

	<u>General Fund</u>	<u>All Budgeted Funds</u>
Education:		
Public Schools (K-12)	\$ 707.9	\$ 892.8
Community Colleges	145.0	225.9
Higher Education	309.2	691.8
All Other Education	<u>102.4</u>	<u>104.3</u>
Total Education:	\$1264.5	\$1914.8
Human Resources:		
Social and Health Services	\$1029.3	\$1035.0
Other Human Resources	<u>40.7</u>	<u>128.0</u>
Total Human Resources:	\$1070.0	\$1163.0
Transportation	\$ 8.4	\$ 682.2
Natural Resources and Recreation	\$ 69.2	\$ 251.2
General Government:		
Legislative	\$ 16.6	\$ 17.1
Judicial	9.9	9.9
Executive	38.1	90.4
Other General Government	<u>15.7</u>	<u>57.3</u>
Total General Government:	\$ 80.3	\$ 174.7
Bond Retirement and Interest	-	\$ 182.0
Payments to Political Subdivisions	\$ 11.9	\$ 249.0
Reserve for Supplemental Expenditures and Appropriations	<u>\$ 143.5*</u>	<u>\$ 167.1*</u>
TOTAL:	<u>\$2647.8</u>	<u>\$4784.0</u>

* Includes salary adjustment monies to be allocated to agencies.

COMMENT: 1973-75 General Fund expenditures of \$2,647.8 million, as shown above, are based on current levels of appropriations established by the 1973 Legislature and have not been adjusted for requests for supplemental expenditures reflected in this letter, or for potential expenditure items for consideration by the January 1974 Special Legislative Session. These expenditures are balanced by \$2,687.8 million total available revenues, including \$44.7 million in beginning balance brought forward from the 1971-73 biennium.

1973-75	Revenues	\$2,687.8
1973-75	Expenditures	2,647.8

Projected Ending Balance 6/30/75:

It should be noted that the projected ending balance as of 6/30/75 of \$40 million is based on revenue estimates currently under review and subject to revision as well as changes in expenditures resulting from actions of both the September and January legislative sessions. On the revenue side, reference is again made to the discussions of the impact of the recent decision of the State Supreme Court relative to the implementation of the tax limitation provisions of Senate Joint Resolution No. 1. This will have the effect of reducing state property tax revenues by some \$17 million, which, if not offset by higher collections in other sources, will substantially reduce the ending balance as shown above. In addition, there is also the question of differences between the Executive and Legislative estimates of Public Assistance caseloads as considered during the 1973 Legislative Session. Should the higher caseload estimates assumed in the Governor's Budget materialize, additional claims on revenue will occur.

In summary, the state's economic outlook, as well as the outlook for revenues is one of uncertainty and the time available between now and the January session will be required for detailed evaluation.

Expenditures, in much the same way, are subject to change. This is particularly true with respect to programs dependent upon the availability of Federal funding and these will be evaluated in the context of Congressional and Administration actions over the next three months.

III. *Status of Federal Funding.* With the introduction of the President's proposed budget for FY 1974, and subsequent events, the states, and local governments as well, have been faced with the growing uncertainty as to funding levels connected with a wide range of federal programs.

From information available at the time, a revised detail listing of federal grants, changed from original budget estimates, was prepared in February and provided to the Legislature to serve as a basis for 1973 legislative appropriations.

At that time, it was estimated that total federal grants to be received by the state during the 1973-75 biennium would fall short of original budget estimates by a total of \$60 million, with reductions occurring in the major federally assisted program areas of Human Resources, Education, Natural Resources and Transportation.

These revised estimates of federal funding, in addition to changes provided by the Legislature were built into final legislative appropriation bills with the resulting overall reduction of \$56.2 million.

The following table compares total federal grant amounts reflected within each major program area as anticipated in the 1973 legislative appropriations, current changes, and the revised estimates of federal revenue.

FEDERAL REVENUE			
1973-1975 Biennium			
(\$ in Millions)			
	Anticipated In Appropriation	Current Change	Tentative Revised Estimate
General Government	25.4	+ .8	26.2
Natural Resources	24.6	- .6	24.0
Transportation	295.9	-	295.9
Human Resources	505.1	+26.4	531.5
Education	271.8	- 5.7	266.1
Federal Revenue Sharing	59.5	-	59.5
Other	4.1	-	4.1
TOTAL:	<u>1186.4</u>	<u>+20.9</u>	<u>1207.3</u>

COMMENT: The increase of \$800,000 in the General Government area reflects the reallocation of federal monies originally programmed for the 1971-73 biennium for administration of the Intergovernmental Personnel Act and the Public Service Careers Program.

In the Natural Resources area, reductions of \$600,000 are in weather-modification studies and planning grants connected with the solid waste program and result from federal limitations in funding for these programs.

While there has been no change indicated with respect to federal funding in the Transportation area, expenditure ceiling estimates contained in the Federal Highway Act of 1973 suggest a potential reduction in Highway aid to Washington of \$34 million. The Highway Act was passed in August and firm data on state allocations are not yet available.

Under Human Resources programs, current estimates of federal revenues are up by \$26.4 million. Of this, the major portion, some \$22 million, is represented in unanticipated federal receipts to the Department of Social and Health Services either approved or pending for approval by the Legislative Budget Committee under provisions of Chapter 139, Laws of 1973, 1st Ex. Session. These receipts represent a wide variety of programs, including assistance to the elderly through community projects and provisions for meals, the Seattle Income Maintenance Experiment, continuation of certain provisions of the Emergency Employment Act, Law and Justice Project Grants and funding for the Northwest Regional Deaf/Blind Center. It should be emphasized that these receipts represent only those amounts approved for expenditure to date, or which it is anticipated will be approved through the end of October of this year. Because of many uncertainties in federal funding in Human Resource programs, no attempt has been made to prepare a revised projection which includes the effect of all of the changes which are likely to occur as Congress completes its actions on the federal HEW budget.

In the area of Education, current data indicate that federal revenues could fall short of 1973 session estimates by \$5.7 million. This is largely the result of anticipated reductions in federal pass through funding for Public Schools.

IV. Known Problems for Consideration in January 1974 Supplemental Budget.

1. DEPARTMENT OF SOCIAL AND HEALTH SERVICES. As was anticipated by both the legislative and executive branches during budget deliberations earlier this year, substantially changing conditions require a careful reappraisal of the Department of Social and Health Services budget.

There are some areas, for example, where federal revenues collected by the Department of Social and Health Services are increasing over budget projections. There are, however, some very critical areas of underfunding as well. As there exists considerable uncertainty with respect to these questions of federal funding, it appears that it would be inappropriate for any adjustment to be made in the Department of Social and Health Services budget during the September legislative session. Some of the pending changes which will affect the Department's budget include the change in implementation date of the Social Service regulations from July 1, 1973 to November 1, 1973. The content of those regulations are also likely to change, which will further affect the amount of federal and state matching funds to be expended on the Social Service program. The new Supplemental Security Income program which will be implemented in January, 1974, depending upon the content of the fund regulations, could result in additional savings over that contemplated in the budget. The AFDC caseload, while lower than estimates included in the Governor's budget, may not reach the levels assumed by the Legislature which would require additional funding. In addition to these uncertainties there are a number of other fiscal problems, all of which will be reviewed prior to the January 1974 session and presented for resolution to the Legislature at that time.

2. DEPARTMENT OF AGRICULTURE-GRASSHOPPER CONTROL. The 1973 Session of the Legislature provided \$100,000 for a grasshopper control program in Eastern Washington. During the course of implementing this program it was discovered that the acreage computation, upon which the appropriation was based was inadequate. In order to provide sufficient funds to complete the program the Department of Agriculture was authorized to expend \$50,000 from their second year of the biennium allotment to make

up for the shortage. This expenditure was authorized with the understanding that a request would be made from the 1974 session to replace the advanced \$50,000.

3. DEPARTMENT OF GENERAL ADMINISTRATION. The 1973 session of the Legislature in reviewing the Department of General Administration budget determined that the budget was 20.3 man years or \$218,772 over current level projected expenditures. This determination was made after review of the total agency manning and funding request. When the reduction in the requested appropriation was made, the entire reduction was taken from the General Fund appropriation rather than from All Sources supporting agency budget. It will be requested that corrective action on this matter be taken during the January 1974 Session.

4. BOARD OF PRISON TERMS AND PAROLES. The Board of Prison Terms and Paroles will submit a supplemental budget request in January 1974 for \$233,984 and 7.5 man years. This request will be based on two United States Supreme Court rulings regarding the operation of the Board. One is *Morrisey vs. Brewer* which requires that a preliminary hearing be held in cases of alleged parole violations to determine if cause exists for a revocation hearing.

Due to the immediate impact of this court decision the Board was required to implement this hearing procedure effective July, 1973 by advancing funds from second year allotments. The amount to be requested to restore the advance and continue these hearings for the remaining eighteen months will be \$168,984 and 7.5 man years.

The second United States Supreme Court case impacting the Board is *Gagnon, Warden, vs. Scarpella*. This decision requires that attorneys be provided to indigents at all hearings where the length of a term may be extended or where parole may be revoked. The request will be for \$65,000 to implement this decision for the remaining 18 months of the biennium.

5. HUMAN RIGHTS COMMISSION. The Human Rights Commission will request a supplemental budget in the January session for two field representative positions, a minority groups specialist, and an intergroup relations specialist. The costs of these positions for the remaining 18 months of the 1973-75 biennium will be \$65,550 and 6.0 man years.

The field representative positions are required to handle an increased workload in preliminary screening of complaints to reduce workload for field investigators. The minority groups specialist and intergroup relations specialist are required for additional workload, not anticipated in the original 1973-75 budget in the area of sex discrimination.

6. PUBLIC DISCLOSURE COMMISSION. During the 1973 session it was generally accepted that the appropriation of \$192,872 would only allow the Public Disclosure Commission to perform a minimal level of duties. In recent months it has become increasingly apparent that the Commission is unable to fully investigate complaints and process paperwork on a timely basis at its present level of staffing.

To correct this situation, additional funds will be requested of the January session.

7. PROPERTY TAX DECISION—HOPPE VS. DEPARTMENT OF REVENUE. In this decision the State Supreme Court held that the property tax limit measure, approved by the electorate in November 1972 as Senate Joint Resolution, No. 1, must be implemented with respect to 1972 tax levies for collection in 1973. The overall fiscal impact on state property tax collections has been discussed elsewhere in this report (See section II). In addition to the \$17 million loss to the state in property tax collections, local school districts are expected to lose \$5.1 million and other taxing jurisdictions \$10.2 million.

8. SUPERINTENDENT OF PUBLIC INSTRUCTION. House Bill No. 186 provides for state levy of authorized public school property tax millage effective with calendar 1975 collections. An appropriation will be required to allocate to the public schools the portion of these collections representing the last six months of the 1973-75 biennium. In addition, legislation will be necessary to change the current law concerning the monthly distribution of state school apportionment. This will be required because of differences in Treasury cash flows resulting from the change from local to state levy of the public schools' authorized millage.

9. SUPERINTENDENT OF PUBLIC INSTRUCTION—INSTITUTIONAL EDUCATION. The institutional Education Program, funded through the Office of the Superintendent of Public Instruction, serves children whose mental, emotional or physical problems require care in a state home or institution. The Office of the Superintendent of Public Instruction is presently studying the adequacy of the funding for this program and will present its findings to the January 1974 legislative session. The Superintendent may request additional funding for the program at that time.

10. UNFUNDED LEGISLATION. During the 1973 session there was a substantial amount of legislation passed without appropriation of funds to provide for the additional workload required of state agencies. Some of the major items included within this unfunded legislation are the Environmental Coordination Procedures Act (Substitute House Bill No. 391), High School Students' Public Assistance grants (House Bill No. 753), Adult Supervision Program (Senate Bill No. 2491), Juvenile Probation Services (Senate Bill No. 2256), and Property Tax Revisions (House Bill No. 186).

These and other similar items will be taken under consideration for inclusion in any Supplemental Budget request presented to the January 1974 Session.

HIGHER EDUCATION ENROLLMENT—FISCAL CONSIDERATION. Based upon preliminary fall enrollment data, it has become apparent that higher education institutional enrollments in all but the University of Washington and Evergreen State College will fall short of estimates used in the establishment of 1973-75 biennium appropriation for these institutions.

Although fall data is still tentative, as classes have not yet begun, the table below indicates that the enrollment declines are most prominent at Western, Central, and Eastern Washington State Colleges.

The magnitude of the enrollment declines were not anticipated before the majority of faculty and staff contracts were committed for the 1973-74 academic year.

Some of the specific actions being taken by the three colleges affected by the estimates reduction in enrollment are:

A. WESTERN WASHINGTON STATE COLLEGE:

1. Holding vacant twenty-one faculty positions, thereby saving approximately \$250,000 to offset an expected local revenue loss of \$421,000.
2. Deferral of building maintenance and other budgetary items.
3. Reduced telephone and mailing services.
4. Not filling staff attrition through retirement, resignations, and terminations.
5. Reduction in staff as required.
6. Convened intra-institutional committee to formulate recommendations on institutional policies designed to produce expenditure reductions ranging from \$1.3 to \$1.5 million.

B. CENTRAL WASHINGTON STATE COLLEGE:

1. Holding vacant 15 faculty and 6 classified positions.
2. Prepared to give termination notice to 28 additional first year faculty staff if final fall enrollment decline is substantial.

C. EASTERN WASHINGTON STATE COLLEGE:

1. Holding vacant 12 faculty positions.
2. Not filling four other faculty positions that have occurred through attrition.

Even though the outcome of final institutional enrollments will not be known for several weeks, the actions being taken by the schools are holding current fiscal year expenditures to a minimum. A full review of appropriations and appropriate reductions for FY 1974-75 as a result of the enrollment decline for each institution will be undertaken prior to the January session and a recommendation will be made to the Legislature at that time.

INSTITUTIONAL ESTIMATE OF FALL HEADCOUNT ENROLLMENT

	Fall*	Institution's Fall Estimates	Difference
University of Washington	Target 34,000	34,250	+ 250
Washington State University	14,600	14,510	- 90
Eastern Washington State College	6,750	6,600	- 150
Central Washington State College	7,075	6,100	- 975
Evergreen State College	2,150	2,400	+ 250
Western Washington State College	9,500	8,000	-1500

* Based on last year's fall to annual average rate.

PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate and ladies and gentlemen, the President is very happy to see so many of you on deck this morning to commence your duties. I am sure that you will conduct them in a very responsible and sensible manner.

"I should like to also, for those of you that have not already suffered eye damage suggest that when Senator Fleming walks down the aisle you view him in the same manner that you would an eclipse of the sun."

PRESIDENT'S PRIVILEGE

The President: "At this time the President should also like to welcome a new gentleman to the Senate, the Honorable Eugene V. Lux."

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor to escort the Honorable Justice Robert F. Utter of the Supreme Court of the State of Washington to the Senate Chamber and a seat upon the rostrum. The committee consisted of Senators Francis, Clarke and Woody.

Justice Utter was escorted by the Sergeant at Arms and the special committee to a seat upon the rostrum.

MESSAGE FROM THE SECRETARY OF STATE

September 8, 1973.

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

MR. PRESIDENT:

I, A. Ludlow Kramer, Secretary of State of the State of Washington, do hereby certify that the following is a full, true and correct list of persons who have been either elected or appointed to the office of State Senator and have served in the First Extraordinary Session of the Forty-third Legislature, which adjourned sine die as of April 15, 1973.

LIST OF SENATORS SERVING IN LAST SESSION

<i>District</i>	<i>Name</i>	<i>Counties Represented</i>
No. 1	Ray Van Hollebeke	King, part and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part and Thurston, part
No. 3	James E. Keefe	Spokane, part
No. 4	William S. "Bill" Day	Spokane, part and Whitman, part
No. 5	R. H. "Bob" Lewis	Spokane, part
No. 6	Sam C. Guess	Spokane, part
No. 7	Robert W. Twigg	Ferry, Lincoln, Pend Oreille, Stevens and parts of Okanogan and Spokane
No. 8	Damon R. Canfield	Benton and Yakima, part
No. 9	Hubert F. Donohue	Adams, Asotin, Garfield, and parts of Columbia, Grant and Whitman
No. 10	F. Pat Wanamaker	Island and Snohomish, part
No. 11	Gary Grant	King, part
No. 12	George L. Sellar	Chelan, Douglas and parts of Grant and Okanogan
No. 13	Nat Washington	Kittitas and parts of Grant and Yakima
No. 14	Jim Matson	Yakima, part
No. 15	Perry B. Woodall	Yakima, part
No. 16	Dan Jolly	Franklin, Walla Walla, and Columbia, part
No. 17	Al Henry	Klickitat, Skamania and Clark, part
No. 18	Don L. Talley	Cowlitz, part and Clark, part
No. 19	Robert C. Bailey	Grays Harbor and Pacific, part
No. 20	Gary M. Odegaard	Lewis, Wahkiakum and parts of Cowlitz, Pacific, and Thurston
No. 21	Jack Metcalf	Snohomish, part
No. 22	Harry B. Lewis	Thurston, part
No. 23	Gordon L. Walgren	Kitsap, part
No. 24	Gordon Sandison	Clallam, Jefferson, Mason, and Thurston, part
No. 25	Reuben A. Knoblauch	King, part and Pierce, part
No. 26	Booth Gardner	Kitsap, part and Pierce, part
No. 27	Joe Stortini	Pierce, part
No. 28	Charles E. Newschwander	Pierce, part
No. 29	A. L. "Slim" Rasmussen	Pierce, part
No. 30	Michael W. Mattingly	King, part
No. 31	Gordon Herr	King, part
No. 32	Pete Francis	King, part
No. 33	Frank Connor	King, part
No. 34	R. R. Bob Greive	King, part
No. 36	John Murray	King, part
No. 37	George Fleming	King, part
No. 38	August Mardesich	Snohomish, part
No. 39	Frank Woody	King, part and Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit and Whatcom, part
No. 41	George W. Clarke	King, part
No. 42	R. Frank Atwood	Whatcom, part
No. 43	Jonathan Whetzel	King, part
No. 44	Ted Peterson	King, part
No. 45	Fred H. Dore	King, part
No. 46	George W. Scott	King, part
No. 47	Martin Durkan	King, part
No. 48	John D. Jones	King, part
No. 49	Dan Marsh	Clark, part

I further certify that since adjournment, the Board of County Councilmen of King County as of August 27, 1973 appointed EUGENE V. LUX to the position of State

Senator, 35th Legislative District, to fill the vacancy caused by the resignation of Robert Ridder.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this eighth day of September, A.D., 1973.

A. LUDLOW KRAMER
Secretary of State.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed Senators Connor, Jones and Marsh to escort the Honorable Eugene V. Lux to the bar of the Senate. The Honorable Justice Robert F. Utter of the Supreme Court of the State of Washington, administered the oath of office to the newly appointed Senator Eugene V. Lux. The certificate of appointment was presented to Senator Lux by President John A. Cherberg.

REMARKS BY SENATOR LUX

Senator Lux: "The only thing I can say is I express my appreciation for the confidence of the people in the thirty-fifth district for appointing me for this short term and a chance to have this experience and thank you very much."

POINT OF INQUIRY

Senator Woodall: "Would Senator Mardesich yield to a question? I noted that the Justice swore this man in to support the rules of the Senate and I just wondered what rules we are going to have that this man can keep his oath and support it."

Senator Mardesich: "Mr. President, Senator Woodall may rest in peace. We are considering the subject."

PRESIDENT'S PRIVILEGE

The President: "Senator Lux, honored members of the Senate, ladies and gentlemen, the President wishes to assure you that everybody in the state joins the members of the Senate, the President and the staff in welcoming you and congratulating you upon your position. The President neglected to, and is very sorry for the fact, that he did not welcome the members of the staff and especially our beloved Secretary of the Senate, the Honorable Sid Snyder.

"And, Judge, the members, the President and everyone present appreciates your coming over this morning to administer the oath of office. Thank you so much."

The special committee escorted Judge Robert F. Utter from the Senate Chamber.

The special committee escorted the newly appointed Senator Eugene V. Lux to his seat in the Senate Chamber.

MOTION

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

SENATE RESOLUTION 1973-145

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

WHEREAS, The offices of President Pro Tempore of the Senate, Vice President Pro Tempore, Secretary of the Senate and Sergeant at Arms of the Senate were filled by competent persons during the forty-third regular and first extraordinary sessions of the legislature; and

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

WHEREAS, The standing committees of the Senate were formed and operated properly and efficiently during the forty-third regular and first extraordinary sessions of the legislature;

NOW, THEREFORE, BE IT RESOLVED, That Senator Frank Woody's membership on the Social and Health Services Committee be transferred to the Ways and Means Committee, and that his membership on the Parks and Recreation Committee be transferred to the Labor Committee; and

BE IT FURTHER RESOLVED, That Senator Don L. Talley's membership on the Transportation and Utilities Committee be transferred to the Social and Health Services Committee; and

BE IT FURTHER RESOLVED, That Senator Eugene V. Lux be appointed to the Local Government, Parks and Recreation and Transportation and Utilities Committees; and

BE IT FURTHER RESOLVED, That said officers, committee chairmen and committee members shall constitute the officers and committees of the second extraordinary session of the forty-third legislature.

COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Chatalas, Newhouse and Moon appeared before the bar of the Senate to notify the Senate that the House was organized and ready to transact business.

The report was received and the committee retired.

MOTION

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

SENATE RESOLUTION 1973-146

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

BE IT RESOLVED, That a committee of three members be named by the President of the Senate to inform the House that the Senate is organized and ready to transact the business of the second extraordinary session of the forty-third legislature.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Fleming, Murray and Grant to serve as a committee of three to notify the House that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Mardesich, the appointees were confirmed. The committee retired.

MOTION

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

SENATE RESOLUTION 1973-147

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

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

MOTION

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

SENATE RESOLUTION 1973-148

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

BE IT RESOLVED, That the state treasurer and budget director be, and they are hereby directed to draw their warrants for payment of the members' subsistence allowance and employees' salaries upon subsistence payrolls which shall be certified to by the President and Secretary of the Senate, and they are hereby authorized and directed to deliver the warrants to the Secretary of the Senate, taking their receipt therefor.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized and directed to provide each member the necessary supplies, equipment and materials required to operate the Senate.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Fleming, Murray and Grant appeared before the bar of the Senate and reported that the House had been notified that the Senate was organized and ready to transact business.

The report was received and the committee retired.

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

MESSAGE FROM THE HOUSE

September 8, 1973.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 55, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 55, by Representative Charette:
Notifying the governor that the legislature is organized.

MOTIONS

On motion of Senator Atwood, House Concurrent Resolution No. 55 was advanced to second reading and read the second time in full.

On motion of Senator Atwood, House Concurrent Resolution No. 55 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bailey, Atwood and Mardesich to serve as three members from the Senate, in accordance with House Concurrent Resolution No. 55, to join with a like committee from the House to notify the Governor that the legislature is organized and ready to transact business.

MOTION

On motion of Senator Mardesich, the appointees were confirmed.

MESSAGE FROM THE HOUSE

September 8, 1973.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 56, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 56, by Representatives Charette and Swayze:

Transmittal of bills before the House and Senate.

MOTIONS

On motion of Senator Henry, House Concurrent Resolution No. 56 was advanced to second reading and read the second time in full.

On motion of Senator Henry, House Concurrent Resolution No. 56 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

MESSAGE FROM THE SECRETARY OF STATE

September 8, 1973.

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

SIR:

I have the honor to transmit herewith pursuant to Section 12, Article 3 of the Constitution of the State of Washington, for the consideration of the Senate, the following Senate Bills passed by the Senate and House of Representatives at the First Extraordinary Session of the Forty-third Legislature, and either completely or partially vetoed by the Governor after the adjournment of said session, together with his veto messages attached hereto. They are as follows: *Senate Bills completely vetoed*: SB 2036 relating to the Department of Social and Health Services SB 2084 relating to the retirement of judges. SB 2099 relating to revenue and taxation. SB 2326 relating to state government. SB 2897 relating to small loan companies.

Senate Bills partially vetoed: SB 2153 relating to revisions of the Community College Professional Negotiations Act. SB 2183 relating to revisions of the regulation and licensing of electricians. Sub. SB 2226 relating to the revisions of the Landlord-Tenant Act. SB 2256 relating to revisions of alternative and subsidy programs for juvenile probation services. Sub. SB 2328 relating to revisions of the highway budget. Sub. SB 2365 relating to revisions of equipment and personnel qualifications of emergency medical care and health services. SB 2435 relating to county program funding of alcoholism advisory board. SB 2502 relating to revisions of equal rights. Sub. SB 2600 relating to general revisions of liquor control. Sub. SB 2748 relating to appropriation for transportation studies. Sub. SB 2800 relating to the Department of Social and Health Services. Sub. SB 2854 relating to the operating budget. SB 2918 relating to commercial license validation for herring fishing.

Respectfully,
A. LUDLOW KRAMER
Secretary of State.

MOTION

On motion of Senator Walgren, the bills vetoed or partially vetoed by Governor Evans following adjournment of the First Extraordinary Session of the Forty-third Legislature were referred to the committee where the legislation originated.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Bailey, Atwood and Mardesich appeared before the bar of the Senate to report that the Governor had been notified, under the

provisions of House Concurrent Resolution No. 55, that the legislature was organized and ready to transact business.

MESSAGE FROM THE HOUSE

September 8, 1973.

Mr. President: In accordance with HOUSE CONCURRENT RESOLUTION NO. 56, the following bills are transmitted to the Senate:

ENGROSSED SENATE BILL NO. 2004,
 ENGROSSED SENATE BILL NO. 2006,
 ENGROSSED SENATE BILL NO. 2007,
 ENGROSSED SENATE BILL NO. 2009,
 ENGROSSED SENATE BILL NO. 2017,
 SENATE BILL NO. 2043,
 ENGROSSED SENATE BILL NO. 2058,
 SUBSTITUTE SENATE BILL NO. 2059,
 SENATE BILL NO. 2061,
 SENATE BILL NO. 2067,
 SENATE BILL NO. 2073,
 ENGROSSED SENATE BILL NO. 2077,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2085,
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 ENGROSSED SUBSTITUTE SENATE BILL NO. 2104,
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 SUBSTITUTE SENATE BILL NO. 2120,
 ENGROSSED SENATE BILL NO. 2136,
 ENGROSSED SENATE BILL NO. 2140,
 SENATE BILL NO. 2143,
 SENATE BILL NO. 2161,
 SENATE BILL NO. 2174,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2175,
 SUBSTITUTE SENATE BILL NO. 2186,
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 SENATE BILL NO. 2262,
 SUBSTITUTE SENATE BILL NO. 2264,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2266,
 ENGROSSED SENATE BILL NO. 2300,
 SENATE BILL NO. 2307,
 SENATE BILL NO. 2324,
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 ENGROSSED SENATE BILL NO. 2345,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2346,
 ENGROSSED SENATE BILL NO. 2347,
 SENATE BILL NO. 2366,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2374,
 ENGROSSED SENATE BILL NO. 2377,
 ENGROSSED SENATE BILL NO. 2385,
 SENATE BILL NO. 2388,
 ENGROSSED SENATE BILL NO. 2392,
 SENATE BILL NO. 2399,
 SENATE BILL NO. 2408,

ENGROSSED SENATE BILL NO. 2410,
SENATE BILL NO. 2416,
ENGROSSED SENATE BILL NO. 2421,
ENGROSSED SENATE BILL NO. 2438,
SUBSTITUTE SENATE BILL NO. 2447,
ENGROSSED SENATE BILL NO. 2456,
SUBSTITUTE SENATE BILL NO. 2458,
ENGROSSED SENATE BILL NO. 2465,
ENGROSSED SENATE BILL NO. 2468,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2473,
SENATE BILL NO. 2475,
SENATE BILL NO. 2480,
ENGROSSED SENATE BILL NO. 2488,
SENATE BILL NO. 2497,
ENGROSSED SENATE BILL NO. 2501,
ENGROSSED SENATE BILL NO. 2516,
SENATE BILL NO. 2517,
SENATE BILL NO. 2540,
ENGROSSED SENATE BILL NO. 2555,
SENATE BILL NO. 2565,
ENGROSSED SENATE BILL NO. 2572,
SENATE BILL NO. 2574,
ENGROSSED SENATE BILL NO. 2577,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2583,
ENGROSSED SENATE BILL NO. 2584,
SENATE BILL NO. 2602,
SENATE BILL NO. 2627,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2634,
ENGROSSED SENATE BILL NO. 2657,
ENGROSSED SENATE BILL NO. 2659,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2662,
ENGROSSED SENATE BILL NO. 2667,
ENGROSSED SENATE BILL NO. 2669,
SENATE BILL NO. 2674,
ENGROSSED SENATE BILL NO. 2675,
ENGROSSED SENATE BILL NO. 2678,
ENGROSSED SENATE BILL NO. 2697,
ENGROSSED SENATE BILL NO. 2716,
SUBSTITUTE SENATE BILL NO. 2787,
SENATE BILL NO. 2825,
SENATE BILL NO. 2846,
ENGROSSED SENATE BILL NO. 2914,
SENATE JOINT MEMORIAL NO. 106,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 107,
SENATE JOINT MEMORIAL NO. 118,
SENATE JOINT MEMORIAL NO. 120,
SENATE JOINT MEMORIAL NO. 123,
ENGROSSED SENATE JOINT MEMORIAL NO. 125.
ENGROSSED SENATE JOINT RESOLUTION NO. 103,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 104,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 110,
SENATE CONCURRENT RESOLUTION NO. 111,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 129,
SENATE CONCURRENT RESOLUTION NO. 130.

DEAN R. FOSTER, Chief Clerk.

MOTION

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

SENATE RESOLUTION 1973-149

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

NOW, THEREFORE, BE IT RESOLVED, That the following bills be referred from the Rules Committee to the following standing committees:

SB 2004	Lottery, state, establishment	State Government
SB 2006	Wildlife animals, unlawful killing	Natural Resources
SB 2007	Historical collections, property tax exempt	Ways and Means
SB 2009	Science & technology advisory council	Ecology
SB 2017	Veterans' bonus, benefit provisions revised	State Government
SB 2019	State Treasurer's deputies, appointment	State Government
SB 2026	Precinct committeemen, number requirement	Constitution & Elections
SB 2028	Overtime hours, optional	Labor
SB 2043	Divorce actions, jurisdiction	Judiciary
SB 2046	Host-guest statute, repealed	Judiciary
SB 2057	Inverse condemnation, highways	Judiciary
SB 2058	Traffic citations, reasonable grounds	Judiciary
SSB 2059	Hearing aid dispensers, licensing	Commerce
SB 2061	Divorce visitation rights	Judiciary
SB 2067	Mobile homes, identification tags abolished	Transportation & Utilities
SB 2073	Off-street parking, law codification	Judiciary
SB 2076	Teachers' seniority, transfers, limitation	Education
SB 2077	Death penalty, certain crimes, mandatory	Judiciary
SB 2078	Public records retention	State Government
SSB 2085	Motor vehicle code, general revisions	Transportation & Utilities
SB 2091	Sports stadium management committee	State Government
SB 2095	Port districts, treasurer selection	Local Government
SSB 2104	Operating budget	Ways and Means
SB 2107	Land reclamation tax levy repeal	Ways and Means
SB 2110	Health care, arbitrators, fees	Social & Health Services
SB 2112	State patrolmen's children, education	Higher Education
SB 2118	Teachers, citizenship	Education
SSB 2120	Technological education	Higher Education
SB 2129	Industrial insurance appeals, lay persons	Labor
SB 2130	Workmen's compensation cases, attorney fees	Labor
SB 2131	School holidays	Education
SB 2134	No-fault auto insurance system	Judiciary
SB 2136	Highway commission, priority programming	Transportation & Utilities
SB 2140	Judges pro tempore, remuneration	Judiciary
SB 2143	Initiatives, referendums, counties	Constitution & Elections
SB 2145	Bingo, raffles regulation	Judiciary
SB 2147	Controlled substances, production	Social & Health Services
SB 2158	Universities, collective bargaining rights	Higher Education
SB 2161	Municipal courts, sentences, responsibilities	Judiciary
SB 2169	Judges, annual conference, outside state	Judiciary
SB 2174	College, university, police forces, standards	Higher Education
SSB 2175	Disabled, group homes, halfway houses	Social & Health Services
SB 2177	Open space, farms, agricultural lands, current use	Ways and Means
SB 2181	Illegal work conditions, injured worker compensation	Labor
SB 2184	Community college districts, police forces	Higher Education
SB 2185	Workmen's compensation, medical guidelines	Labor

SSB 2186	Naturopathy practice, regulation	Social & Health Services
SB 2189	Personal representative, pain, suffering, recovery	Judiciary
SB 2191	Port commissioners, election, revisions	Constitution & Elections
SB 2196	Community education, pilot programs, appropriation	Education
SB 2203	School employees, unemployment compensation coverage	Labor
SB 2208	Common schools, attendance	Education
SB 2211	Support proceedings, King County prosecutor	Judiciary
SB 2216	Alcoholic beverage use, legal age	Judiciary
SB 2221	Part-time workers, unemployment compensation benefits	Labor
SB 2223	Blind, commission, established	Social & Health Services
SB 2224	Higher education employees, collective bargaining	Labor
SB 2229	Correctional institutions administration procedure act	Social and Health Services
SB 2235	Precinct committeemen, absentee voting	Constitution & Elections
SB 2243	Prisoners, sentence, time credits	Social & Health Services
SB 2245	Marine employees' commission, compensation	Transportation & Utilities
SB 2248	Court reporters' certification	Judiciary
SB 2259	UCF financing certificates	Judiciary
SB 2261	Federal legislators, financial statements	Constitution & Elections
SB 2262	Water, sewer districts, voting requirements	Local Government
SSB 2264	Motor vehicle suspension systems	Transportation & Utilities
SSB 2266	LEFF retirement system amendments	Ways and Means
SB 2267	Fire training advisory board created	Higher Education
SB 2274	Dentists, foreign, examination	Social & Health Services
SB 2276	Physically handicapped, discrimination	Labor
SB 2281	School districts, insurance contributions	Social & Health Services
SB 2283	Open primary elections	Constitution & Elections
SB 2290	Small claims court, judgments registrations	Judiciary
SB 2291	Teachers' contracts, nonrenewal notification	Education
SB 2295	Conservatorship, disabled persons, regulation	Judiciary
SB 2298	Fire extinguishers, systems, regulation	Commerce
SB 2300	Juries selection, electronic data system	Judiciary
SB 2305	Community college faculty personnel files	Higher Education
SB 2307	School district boards, 3rd class	Education
SB 2318	Regional planning commission	State Government
SB 2322	Teachers, professional negotiations	Education
SB 2323	Actuary, definition change	Ways and Means
SB 2324	Salary committee, duties	State Government
SB 2325	Workmen's compensation, living cost increase	Labor
SB 2329	Legal services revolving fund	State Government
SB 2338	Columbia river compact, Washington, Oregon, Idaho	Natural Resources
SB 2343	Civil actions, statement copies	Judiciary
SB 2345	Legislative auditor, provision	Ways and Means
SSB 2346	Property tax levies, limitation	Ways and Means
SB 2347	Sewer district bonds	Local Government
SB 2366	Legislative districts, certain boundaries changed	Constitution & Elections
SSB 2374	Tidelands, recreational purposes	Parks & Recreation
SB 2377	Congressional elections	Constitution & Elections
SB 2385	Teachers' retirement system	Ways and Means
SB 2388	Annexation resolutions, final action	Local Government

SB 2391	Education code, double amendments reconciled	Education
SB 2392	Intermediate school districts	Education
SB 2398	Driving under influence, urinalysis	Social & Health Services
SB 2399	Eminent domain proceedings, attorneys' fees	Judiciary
SB 2401	Personalized license plates, funds distribution	Parks & Recreation
SB 2402	Nuclear power, joint operation	Transportation & Utilities
SB 2408	Municipal competitive bidding	State Government
SB 2410	School buses, certain trucks, road conditions	Transportation & Utilities
SB 2416	Motor vehicles, bikes, boats, stolen	Judiciary
SB 2421	Constitutional amendments notice, additional information	Constitution & Elections
SB 2423	Cities, off-street parking, operation	Local Government
SB 2424	Marriages, dissolutions, procedures	Judiciary
SB 2429	Absentee ballots, application	Constitution & Elections
SB 2438	University liquor fund, alcoholism research	Higher Education
SB 2443	Judges, state health care insurance	Social & Health Services
SB 2446	Capitol office facilities, appropriation	State Government
SB 2447	Lotteries, valuable consideration	Judiciary
SB 2454	Employment agencies	Labor
SB 2456	Highways, roads, definitions	Transportation & Utilities
SB 2457	Police chiefs, out-of-state service, LEFF	Local Government
SSB 2458	Gasoline dealers' act	Commerce
SB 2460	Consumer goods, warranties	Commerce
SB 2461	Investments board established	State Government
SB 2462	Vocational education, post secondary	Higher Education
SB 2463	Industrial welfare, all employees	Labor
SB 2465	Primary elections	Constitution & Elections
SB 2468	Aged persons, free game licenses	Natural Resources
SSB 2473	Massage business, licensing, regulation	Social & Health Services
SB 2474	Reinstated employees, costs, attorney fees	State Government
SB 2475	Secretary of State, corporation service process fee	State Government
SB 2480	Reforestation lands, proceeds, disposition	Natural Resources
SB 2484	Self-insurers, administrative organization	Labor
SB 2487	Registration lists, actual costs	Constitution & Elections
SB 2488	Implied consent, guilty plea	Judiciary
SB 2492	Food, drug, cosmetics, possible injury	Agriculture
SB 2497	Vacation leave accrual, state employees	State Government
SB 2498	Precinct clerks, voting machine use	Constitution & Elections
SB 2500	Precinct committeemen, voter registration	Constitution & Elections
SB 2501	Public lands, recreational use	Natural Resources
SB 2510	Asian development bank, securities	Financial Institutions
SB 2511	Wine, distillery representatives, order solicitations	State Government
SB 2512	Liquor sales, additional agents	State Government
SB 2516	Federal funds, certain, dispersal, reporting	State Government
SB 2517	Legislative budget committee, executive hearings	Ways & Means
SB 2523	Insurance hearings, appeals	Financial Institutions
SB 2526	Insurance contract forms	Financial Institutions
SB 2528	Health care contract, ten day rejection	Social & Health Services
SB 2535	Divorces, continuing court jurisdiction	Judiciary
SB 2538	State, higher education personnel boards, powers	State Government
SB 2540	District court judges, part-time, salaries	Judiciary
SB 2542	Employment agencies, general revision	Commerce

SB 2543	Labor relations act	Labor
SB 2548	Elk tags, subspecies, geographical areas	Natural Resources
SB 2551	Motor vehicle funds, highway purposes	Transportation & Utilities
SB 2553	Hotels, restaurants, defrauding, crime	Judiciary
SB 2555	Liquor tax reduced	State Government
SB 2556	Employment security commission advisory council	Labor
SB 2565	Automotive repair responsibility act	Commerce
SB 2572	Sewer districts, systems defined	Local Government
SB 2573	Community college system, board, contracts	Higher Education
SB 2574	EWSC, social work master's program	Higher Education
SB 2576	Sewer services, irrigation districts	Agriculture
SB 2577	Health care practitioners, discrimination	Social & Health Services
SB 2580	Credit, ID cards, stolen, felony	Judiciary
SSB 2583	Motor vehicles overweight fee schedule, revised	Transportation & Utilities
SB 2584	Diking district commissioners, compensation	Local Government
SB 2593	Education joint committee organizational changes	Education
SB 2594	Health care services, insurance laws	Social & Health Services
SB 2598	State managed lands, economic development	Natural Resources
SB 2602	Oceanographic commission reconstituted	State Government
SB 2607	Railroads, worker safety, jurisdiction	Labor
SB 2608	Trading stamps	Commerce
SB 2611	Human resources planning & services	Social & Health Services
SB 2626	Veterans' relief	State Government
SB 2627	Irrigation districts, surplus electric energy	Agriculture
SSB 2634	Building code act	Local Government
SB 2638	Industrial insurance appeals, attorney general defense	Labor
SB 2642	Parking facilities, transportation corridors	Transportation & Utilities
SB 2647	DSHS, special investigative, referral unit	Social & Health Services
SB 2648	Fraternal insurance certificates, value	Financial Institutions
SB 2649	Workmen's compensation advisory committee	Labor
SB 2655	Mutual savings banks, trusts, wills	Financial Institutions
SB 2657	Shoreline management, appeals procedures	Ecology
SB 2659	State patrol, disability benefits	Labor
SB 2661	Deer, elk hunting seasons, Saturday opening	Natural Resources
SSB 2662	Recreational ski conveyances, regulation	Parks & Recreation
SB 2667	Public works, retained percentages, deposit	Financial Institutions
SB 2668	Housing authorities, unemployment compensation coverage	Labor
SB 2669	Reemployment, refusals, reporting	Labor
SB 2670	Jurors' fees, justice courts, increase	Judiciary
SB 2674	Alien banks, state branches authorized	Financial Institutions
SB 2675	Chiropractors, insurance, discrimination	Social & Health Services
SB 2678	Public officials, elected, recall	Constitution & Elections
SB 2685	Motorcyclists' helmet requirement removed	Transportation & Utilities
SB 2697	Public officials, financial disclosures	Constitution & Elections
SB 2716	Liquor vendors, collective bargaining unit	Judiciary
SB 2731	Utilities, transportation, certain studies	Transportation & Utilities
SSB 2787	For hire vehicles, weight, licenses	Transportation & Utilities
SB 2816	Municipal urban renewal, eminent domain	Judiciary
SB 2825	Streams, emergency alterations	Natural Resources
SB 2830	Jury fees, return, notification time	Judiciary
SB 2839	Financial institutions, giveaways	Financial Institutions

SB 2843	Cities, federal grant-in-aid, participation	Local Government
SB 2846	Horse racing commission members, racing	State Government
SB 2881	Lease, tenant's breach, penalty	Judiciary
SB 2882	Real property conveyance, zoning, use, disclosure	Local Government
SB 2887	State traffic fines, justice court transfer limit	Ways & Means
SB 2889	Memorial Day, Veteran's Day dates	State Government
SB 2909	State payroll accounting, uniform system	State Government
SB 2910	Initiative referendum, out-of-state, contributions	Constitution & Elections
SB 2914	Shorelines hearings board, hearings	Ecology
SB 2921	Community based corrections demonstration	Social & Health Services
SB 2931	Pensioners, certain, state employment	State Government
SJM 103	War powers act, repeal	State Government
SJM 106	Snake river, second bridge, funding	Transportation & Utilities
SSJM 107	Tacoma spur, interstate highway system	Transportation & Utilities
SJM 109	Social security benefits, age reduced	Labor
SJM 114	National health care services	Social & Health Services
SJM 115	Home rule, Congress, representatives District of Columbia	Constitution & Elections
SJM 118	Public Health Service Hospital, funding	Social & Health Services
SJM 120	Alcohol Safety Action Project, funding	Social & Health Services
SJM 122	Anti-bussing, constitutional convention call	State Government
SJM 123	Milwaukee, Burlington Northern merger review	Transportation & Utilities
SJM 124	Law of Sea, fishing, conference	Natural Resources
SJM 125	Congress, S. 836, passage	Ecology
SJR 103	Governor's veto, entire sections	Constitution & Elections
SJR 105	Annual legislative, interim sessions	Constitution & Elections
SJR 106	Judges' retirement, elective officers, limits	Constitution & Elections
SJR 108	Administrative agencies, legislative power, delegation	Constitution & Elections
SJR 128	Public transportation systems, motor vehicle funds use	Constitution & Elections
SCR 104	School financing revision, comprehensive plan	Education
SCR 110	Grass seed production, study	Agriculture
SCR 111	Institutional education programs, biennial review	Education
SCR 115	Voting devices, tallying machines, study	Constitution & Elections
SCR 122	Conglomerate-type farming, study	Agriculture
SCR 124	Joint rules, session limitation	Constitution & Elections
SCR 127	Child learning disabilities, screening	Education
SCR 129	Election procedure study	Constitution & Elections
SCR 132	Puget Sound waters, boating access study	Parks & Recreation
SCR 133	Viet Nam veterans, community college program	Higher Education

MOTION

Senator Lewis (Harry) moved that the rules of the first extraordinary session be adopted as the permanent rules of the second extraordinary session.

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, rules enable anybody to expedite its work and

proceed in proper fashion and enable the members to understand the order and priorities of the work which is before them. This caucus feels that we should adopt rules early in the session, even though this has not been the custom of the majority in the past. We want to emphasize that point and make it clear that it is our opinion that we are here to go to work. We can expedite the work and accomplish the purposes required of us for the people of the state in a more logical manner, in a more proper manner, in a more orderly manner, and I would urge that you support this motion."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "I object to having the rules considered at this point. I have several amendments that I would like to have prepared and am not prepared at this point, and would like to have them considered at the proper time."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, speaking against Senator Lewis's motion, really he speaks with a forked tongue, because he talks about expediting business and certainly if we are going to get into a rules hassle for three days out of the nine he is not expediting any business. He is withholding the right of the Senate to proceed and I think that we should proceed with as little restriction as possible so that we can go along with our business. Now I will also say this, if he wants to adopt the rules of the First Extraordinary Session to be the rules of the Second Extraordinary Session I can go along with that, if I understand it right, because we did not have any rules in the First Extraordinary Session and I certainly would approve of going along with that in the Second Extraordinary Session."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "In order to expedite business, that is why we made the motion, Senator Bailey, so we would not have to wrangle about this, we would get it out of the way while we are waiting and we thought this would be the proper time and the proper moment. I think everyone is aware what the Senate rules are and there is no reason for not adopting them at this time. We are getting ready. We do not have any bills or anything before us and I think this is the proper time. We are not going to make a big deal. We are not going to wrangle, Senator Bailey. I assure you of that. We have no intention of wrangling with you. We just think it is appropriate at this time."

Senator Newschwander demanded a roll call and the demand was sustained by Senators Lewis (Harry), Lewis (Bob), Guess, Peterson (Ted), Atwood, Jones, Scott, Sellar and Whetzel.

POINT OF INQUIRY

Senator Bailey: "Would Senator Lewis explain to me the rules of the First Extraordinary Session?"

Senator Lewis (Harry): "Senator Bailey, would you like me to read the rules out of the book? The intent of the motion is to adopt the Senate rules that were adopted in the Forty-third Legislative Session which were carried on into the First Extraordinary Session and which I am proposing be adopted as the permanent rules of this Second Extraordinary Session."

PARLIAMENTARY INQUIRY

Senator Bailey: "Senator Lewis has not stated the truth in this matter. We had no adoption of rules in the First Extraordinary Session. The rules of the regular session were not carried over into the extraordinary session. I would like the Secretary to read your motion. Did it not say that the rules of the First Extraordinary Session would be the rules of the Second Extraordinary Session?"

REPLY BY THE PRESIDENT

The President: "That is the President's recollection. The Secretary will please read the motion."

The Secretary read the motion by Senator Harry Lewis.

PARLIAMENTARY INQUIRY

Senator Bailey: "Then, Mr. President, if this motion prevails, we then have no rules before the Senate. Is that right?"

Senator Lewis (Harry): "Mr. President, the intention of my motion was to adopt the Senate rules as they are carried in the 1973 Legislative Manual, that section referred to as Senate Rules 1973. And if the motion was not clear, Senator Bailey, we do not have a rule that motions be written right now so we really do not have an operating procedure and the purpose of my motion was to get into an operating procedure. Because we have no rules, I would like to clarify for you verbally what the intent is. If you would get your Legislative Manual out for 1973 I am moving that we adopt as permanent rules those rules that are printed in the Manual under Senate Rules 1973."

Senator Bailey: "I think that it may be true that there is no rule but I do think if we are going to have a roll call vote the membership is entitled to know the motion we are voting on. You cannot vote on a motion that you intend one thing and states otherwise in the record. I would like to know what the record shows your motion to be. I think we would have to go along with Senator Washington on this, that if you are going to adopt the rules we have to give due notice here on adoption of the rules so members have a right to make a change if they so wish. I think though we should have the record read as to what the motion is before we can intelligently vote on it or even answer the roll call as Doctor Newchwander wants. If he does not know what he is voting on either, he will not know which way to vote."

Senator Lewis (Harry): "May I ask the clerk to correct my motion as I just stated it and read it back to the body to comply with Senator Bailey's request."

REPLY BY THE PRESIDENT

The President: "Senator Lewis has moved that the verbal amendment that he just stated be adopted. Senator Lewis has moved that the rules of the 1973 Legislative Session be adopted as the permanent rules of the Second Extraordinary Session."

POINT OF INQUIRY

Senator Dore: "Would Senator Lewis yield to a question? Senator, did you tailor these rules to the nine-day session? I understand there would be a number of days, like so many days, to introduce a bill and you have to have a bill read each day for three days and so on. Did you revise them at all? Do you think these rules applying to a sixty-day session should be tailored to the nine? Did you make any attempt to revise those dates to in effect reflect the substance of the time sequence in considering matters? And if not, shouldn't we put it over until tomorrow so you would have a chance to do that?"

Senator Lewis (Harry): "Senator Dore, if you would like to have overnight to look at these that would be fine with us. The point that we are trying to make here is that the Republican Senators are here in Olympia for this nine-day session to attend the meetings, to participate in the legislative process in a positive manner, and to work cooperatively wherever possible. You are not going to find this caucus involved in political games. You will not find this caucus delaying the course of action. But we will be agreeable only to legislation which we feel is in the best interests of the people. And we realize, as I am sure you do, that bad legislation rammed through a limited session would be devastating. Simply stated, we are here ready to do a job and go to work and we want to make that emphatically clear. If, in your opinion, you would like to hold this over for a day, so be it, if that will help accomplish the purpose of our work."

Senator Atwood: "Senator Dore, the Senate rule that you are referring to is tailored to the constitutional requirement and that is all. I think the rules as they are written in the Rule Book can conform too, unless you have some specific rule you are looking to."

Senator Dore: "I have in mind Rule 61, 'Every bill shall be read on three separate days'."

Senator Atwood: "That is the one that is tailored to the constitutional provision."

Senator Dore: "And there is the two-thirds on appropriation and revenue matters. They cannot be considered after the fiftieth day and so on. Have you changed the days?"

Senator Atwood: "No, we have not."

Senator Dore: "Do not you think it would be helpful if you did that because . . ."

Senator Atwood: "There is a joint rule coming over, I believe, and maybe they have changed their minds, that covers some of what you are talking about. But if you want to put it over I would not think we would have any objections. I do not want to get in a big wrangle. All we are saying simply is that we believe that we should have some rules to govern the procedures here."

MOTIONS

Senator Dore moved that the motion by Senator Harry Lewis be considered as a special order of business at 9:50 a.m., Sunday, September 9, 1973.

Senator Francis moved that the motion by Senator Dore be amended to consider the motion by Senator Harry Lewis at the appropriate order of business on Sunday, September 9, 1973.

PARLIAMENTARY INQUIRY

Senator Atwood: "Do we have an order of business? The rules themselves provide for the order of business. Just so we are not stymied for making the motion at any time."

REPLY BY THE PRESIDENT

The President: "Although we do not actually have an order of business, we will have an order of business tomorrow."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I would simply point out that any body when it meets has no rules and generally they operate under Reed's or whatever. If you had no rules you could do that. Other than that, the majority rules. That is enough."

REMARKS BY SENATOR BAILEY

Senator Bailey: "I would go along with the motion that puts this over until tomorrow, but I want to point out that the Democrats, the majority party in both houses, are not going to waste this time every day arguing rules and then, under the guise that the other side is doing a job for the people of the state. The people could care less what the rules are. They want us to go to work and we are going to go to work and we are going to do some things tonight. The majority is going to rule and you may pontificate all you want to on what the priorities are going to be here, but the majority is going to tell you what the priorities are and they are going to tell you when we are going to adjourn. You can argue over the technicalities all you want to, but we have both houses and we are going to tell you what we are going to do."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Senator Bailey, speaking directly to the point you raised, we recognize that you are the majority. The point that I was trying to make, in answering Senator Dore's question, was one that in spite of the fact that we sit here as a minority and

you may have some objectives with which we disagree on an issue by issue basis, we intend to vote our conscience and our position in representing our constituencies. But I want to make clear that this caucus intends to cooperate, in spite of what you said, in spite of the attitude that you have just enunciated, that we intend to work with you. We intend to try to accomplish the purposes that we can in this session. We have agreed to it and we intend to go to work and I want you to clearly understand that."

The motion by Senator Dore, as amended by Senator Francis, carried. The motion by Senator Harry Lewis will be considered under the appropriate order of business on Sunday, September 9, 1973.

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

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2937, by Committee on Local Government (endorsed by Senators Whetzel, Murray, Jolly, Talley, Fleming, Sellar, Gardner and Connor):

An Act relating to legal aid; adding a new section to chapter 93, Laws of 1939 and to chapter 2.50 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2938, by Committee on Local Government (endorsed by Senators Sellar, Murray, Lewis (Bob), Jolly, Fleming, Gardner, Walgren, Connor and Talley):

An Act relating to revenue and taxation; authorizing a fire protection district service charge; providing for its administration by certain county officials and a payment therefor; requiring a public hearing and election prior to imposing a service charge for support of a fire district; requiring public hearings; establishing an administrative review procedure; and adding a new chapter to Title 52 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2939, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley):

An Act relating to food fish buyers and processors and fishermen; adding a new section to chapter 75.08 RCW; and adding new sections to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2940, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley):

An Act relating to food fish and shell fish; conserving the salmon resources by limiting the number of commercial licenses and vessel delivery permits valid for salmon; adding new sections to chapter 12, Laws of 1955 and to chapter 75.28 RCW; and making an effective date.

Referred to Committee on Local Government.

SENATE BILL NO. 2941, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Twigg, Clarke, Jones, Murray, Keefe, Woody and Herr):

An Act relating to public accommodations; and adding a new section to chapter 219, Laws of 1971 and to chapter 70.92A RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2942, by Committee on Social and Health Services (endorsed by Senators Jones, Greive, Woody, Van Hollebeke, Connor, Clarke, Woodall, Murray, Day and Herr):

An Act relating to controlled substances; amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.101 and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2943, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Twigg, Clarke, Jones, Murray, Keefe, Woody and Herr):

An Act relating to business and professions; amending section 10, chapter 323, Laws of 1959 as amended by section 1, chapter 266, Laws of 1971 ex. sess. and RCW 18.08.190; amending section 6, chapter 149, Laws of 1955 as last amended by section 10, chapter 77, Laws of 1973 and RCW 18.22.120; amending section 10, chapter 5, Laws of 1919 as last amended by section 5, chapter 266, Laws of 1971 ex. sess. and RCW 18.25.070; amending section 24, chapter 112, Laws of 1935 as last amended by section 3, chapter 49, Laws of 1969 and RCW 18.32.180; amending section 1, chapter 83, Laws of 1953 as amended by section 7, chapter 266, Laws of 1971 ex. sess. and RCW 18.36.115; amending section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.080; amending section 13, chapter 144, Laws of 1919 as last amended by section 10, chapter 266, Laws of 1971 ex. sess. and RCW 18.53.050; amending section 6, chapter 4, Laws of 1919 as amended by section 11, chapter 266, Laws of 1971 ex. sess. and RCW 18.57.050; amending section 36, chapter 202, Laws of 1955 as amended by section 12, chapter 266, Laws of 1971 ex. sess. and RCW 18.71.080; amending section 8, chapter 305, Laws of 1955 as last amended by section 16, chapter 266, Laws of 1971 ex. sess. and RCW 18.83.090; and amending section 19, chapter 71, Laws of 1941 as last amended by section 20, chapter 266, Laws of 1971 ex. sess. and RCW 18.92.145.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2944, by Committee on Transportation and Utilities (endorsed by Senators Peterson (Lowell), Stortini, Jolly, Lewis (Bob), Walgren, Mattingly, Sellar, Wanamaker, Knoblauch, Whetzel, Guess, Bottiger and Washington):

An Act relating to motor vehicles; and amending section 2, chapter 144, Laws of 1967 and RCW 46.64.070.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2945, by Judiciary Committee (endorsed by Senators Atwood, Bottiger, Van Hollebeke, Dore, Francis, Woody, Clarke and Greive):

An Act relating to the dissolution of marriage, legal separation, or a declaration concerning the validity of a marriage; amending section 2, chapter 157, Laws of 1973 ex. sess. and RCW ; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2946, by Committee on Parks and Recreation (endorsed by Senators Knoblauch, Jones, Canfield, Bailey, Woody and Wanamaker):

An Act relating to certain public lands; amending section 2, chapter 217, Laws of 1971 ex. sess. and RCW 79.01.470; and amending section 1, chapter 157, Laws of 1939 and RCW 79.08.080.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2947, by Judiciary Committee (endorsed by Senators Atwood, Clarke, Bottiger, Van Hollebeke, Woodall, Francis, Dore and Twigg):

An Act relating to mental illness; amending section 67, chapter 142, Laws of 1973 1st ex. sess. and RCW ; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2948, by Senator Dore:

An Act relating to salaries of public officials; amending section 110, chapter 137, Laws of 1973 1st ex. sess.; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 100, Laws of 1967 ex. sess. and RCW 43.03.010; amending section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 106, Laws of 1973 and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 106, Laws of 1973 and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 3, chapter 100, Laws of 1972 ex. sess. and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 4, chapter 100, Laws of 1972 ex. sess. and RCW 3.58.010; creating a new section; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2949, by Senators Henry, Herr, Knoblauch, Greive, Peterson (Lowell), Lux, Van Hollebeke, Day and Talley:

An Act relating to Chinese medicine; adding a new chapter to Title 18 RCW; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2950, by Senators Lewis (Harry) and Talley:

An Act relating to daylight saving time; amending section 1, chapter 3, Laws of 1961 as amended by section 1, chapter 14, Laws of 1963 and RCW 1.20.051; declaring an effective date; and providing an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2951, by Senator Greive:

An Act relating to salaries of elective officials; amending section 110, chapter 137, Laws of 1973 1st ex. sess. (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2952, by Senators Peterson (Lowell), Metcalf, Peterson (Ted), Mattingly and Marsh:

An Act relating to food fish and shellfish; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2953, by Senators Dore and Mardesich:

An Act relating to insurance; and adding new sections to chapter 48.22 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2954, by Senator Odegaard:

An Act relating to the Puget Island ferry; amending section 1, chapter 254, Laws of 1971 ex. sess. and RCW 47.56.720; prescribing an effective date; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2955, by Senator Rasmussen:

An Act relating to revenue and taxation; adding a new section to chapter 84.36 RCW; repealing section 2, chapter 98, Laws of 1973 ex. sess.; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2956, by Senators Mardesich, Atwood and Durkan (by Executive request):

An Act relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2957, by Senators Atwood and Donohue (by Legislative Budget Committee request):

An Act relating to the Washington state teachers' retirement system; amending section 58, chapter 80, Laws of 1947 and RCW 41.32.580; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Henry, additional sponsors were permitted on Senate Bill No. 2949.

On motion of Senator Peterson (Lowell), Senator Metcalf was added as an additional sponsor to Senate Bill No. 2952.

On motion of Senator Peterson (Lowell), the Committee on Local Government was relieved of further consideration of Senate Bill No. 2940.

On motion of Senator Peterson (Lowell), Senate Bill No. 2940 was referred to the Committee on Natural Resources.

On motion of Senator Rasmussen, the Committee on State Government was relieved of further consideration of Senate Bill No. 2950.

On motion of Senator Rasmussen, Senate Bill No. 2950 was referred to the Committee on Transportation and Utilities.

On motion of Senator Metcalf, Senators Mattingly and Marsh were permitted as additional sponsors to Senate Bill No. 2952.

MOTION

At 10:05 a.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

REPORTS OF STANDING COMMITTEES

September 8, 1973.

ENGROSSED SENATE BILL NO. 2004, providing for a state lottery (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Lewis (Harry), Wanamaker. Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2006, providing for loss of hunting license for unlawfully killing certain wildlife (reported by Committee on Natural Resources):

Recommendation: That Substitute Senate Bill No. 2006 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2017, making certain changes in the veterans' bonus law (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2043, providing for jurisdiction in certain actions for divorce, annulment, or separate maintenance (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2046, repealing the host-guest statutes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Dore, Twigg.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2095, allowing port districts to select a treasurer other than the county treasurer (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Lewis (Bob), Lux, Murray, Sellar, Talley, Walgren.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2112, implementing state patrol retirement act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

September 8, 1973.

SUBSTITUTE SENATE BILL NO. 2120, imposing additional duties on council on higher education relating to technological education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2136, directing priority programming by the highway commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Guess, Jolly, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2143, providing that voters at the county level may use initiative and referendum to put matters on the ballot (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2143 be substituted therefor and that substitute bill do pass.

Signed by: Senators Grant, Chairman; Canfield, Mattingly, Metcalf, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

SUBSTITUTE SENATE BILL NO. 2226, providing for changes in the relationship of landlord and tenant (reported by Judiciary Committee):

MAJORITY recommendation: Pass the bill notwithstanding the following vetoes of the Governor: (1) Page 4, lines 7-8, section 6, subsection 1; (2) Page 6, lines 17-20, section 7, subsection 4; (3) Page 9, lines 29-32, section 11, subsection 1(b); (4) Page 15, lines 21-22, section 24, subsection 1; (5) Page 16, lines 9-13, section 25; (6) Page 19, lines 19-21, section 31, subsection 2(b).

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2229, limiting the application of the administrative procedure act in certain proceedings (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Greive, Herr, Jones, Twigg, Woodall.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2235, requiring precinct officers to appear on absentee ballots (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Mattingly, Metcalf, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2262, changing the voting requirements for water and sewer districts located in more than one city (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Lewis (Bob), Lux, Murray, Sellar, Talley, Walgren, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SUBSTITUTE SENATE BILL NO. 2264, prohibiting alteration of motor vehicle suspension (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Bottiger, Jolly, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2300, permitting use of electronic data processing in selecting juries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2318, requiring the regional plans and programs of regional planning commissions to conform to those of counties and municipalities within the region, to the extent the commission's position cannot be justified to the county or municipality (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Lewis (Harry), Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2324, amending the duties of the state committee on salaries (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Henry, Knoblauch, Scott, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2326, authorizing state auditor to make recommendations for improved level of fiscal management (reported by Committee on State Government):

MAJORITY recommendation: Do pass, notwithstanding the Governor's veto.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Lewis (Harry), Scott.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2347, providing for the issuing of certain bonds by sewer districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Lewis (Bob), Lux, Murray, Sellar, Talley, Walgren.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2377, changing laws relating to U.S. Congressional elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2377 be substituted therefor and that substitute bill do pass.

Signed by: Senators Grant, Chairman; Canfield, Mattingly, Metcalf, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2388, requiring annexation resolutions and petitions to be acted upon within one year (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Lewis (Bob), Lux, Murray, Sellar, Talley, Walgren, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2408, authorizing remedies and penalties for violation of municipal competitive bidding requirements (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2429, implementing law relating to absentee balloting (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2429 be substituted therefor and that substitute bill do pass.

Signed by: Senators Grant, Chairman; Canfield, Mattingly, Metcalf, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2438, allowing money from liquor revolving fund to universities to be used for alcoholism and drug addiction research (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

September 8, 1973.

SUBSTITUTE SENATE BILL NO. 2447, relating to lotteries and defining "valuable consideration" (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2488, amending the implied consent law to permit a person who has refused the test to plead guilty and keep his license (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2492, making certain changes in the food, drug, and cosmetic act (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Matson, Sellar, Twigg, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2516, making certain changes in laws relating to dispersal of funds (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2551, prescribing purposes for which motor vehicle funds may be expended (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Jolly, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2572, clarifying the authority of sewer districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Lewis (Bob), Lux, Murray, Sellar, Talley, Walgren, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2574, providing for master degree of social work at Eastern Washington State College (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

September 8, 1973.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2583, revising motor vehicle

overweight fee schedules (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2583 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2584, fixing compensation of diking district commissioners for labor other than attendance at meetings (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Lewis (Bob), Lux, Murray, Sellar, Talley, Walgren.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2627, providing that irrigation districts may purchase and dispose of electric power under certain conditions (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Matson, Sellar, Twigg, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2634, enacting the state building code act (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (Bob), Murray, Sellar, Talley, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2657, revising appeal procedure under the shorelines management act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2697, placing certain appointed public officials under financial disclosure requirements (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2697 be substituted therefor and that substitute bill do pass.

Signed by: Senators Grant, Chairman; Gardner, Mattingly, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2843, authorizing cities and towns to participate in federal grant-in-aid programs (reported by Committee on Local Government):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2843 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Fleming, Chairman; Gardner, Jolly, Murray, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2910, relating to elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2910 be substituted therefor and that substitute bill do pass.

Signed by: Senators Grant, Chairman; Mattingly, Metcalf, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2915, reducing student population qualification for recognition of certain districts in class AA counties as separate classification of districts for certain purposes (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Gardner, Chairman; Bottiger, Fleming, Murray, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2937, authorizing cities to expend funds for legal aid (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Gardner, Jolly, Murray, Sellar, Talley, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2939, changing the laws relating to buyers of smelt and smelt fishermen (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2940, limiting commercial salmon licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Sandison, Talley.

MINORITY recommendation: Do not pass.

Signed by: Senator Rasmussen.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2941, establishing a handicap symbol (reported by Committee on Social and Health Services):

Recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Greive, Herr, Jones, Keefe, Murray, Twigg, Woodall, Woody.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2942, correcting the laws defining controlled substances (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Greive, Herr, Jones, Murray, Twigg, Woodall, Woody.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2943, implementing the laws of licensing renewal fees of certain professions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Francis, Greive, Herr, Jones, Keefe, Murray, Woodall, Woody.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2944, deleting the requirement that state patrol cars be equipped with red lights (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2945, making a technical correction in the law relating to the dissolution of marriage (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Greive, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2947, changing the effective date of laws relating to new commitment procedures for mentally disordered persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Atwood, Bottiger, Clarke, Dore, Twigg, Van Hollebeke, Woodall.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2952, authorizing a study of food fish (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE JOINT MEMORIAL NO. 106, providing for a second bridge across the Snake River funded with federal money (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

September 8, 1973.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 107, requesting congress to include a proposed business loop for Tacoma in the national system of interstate (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

September 8, 1973.

Mr. President: The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 55,
HOUSE CONCURRENT RESOLUTION NO. 56, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

September 8, 1973.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 221,
ENGROSSED HOUSE BILL NO. 302,
HOUSE BILL NO. 458,
SUBSTITUTE HOUSE BILL NO. 519,
ENGROSSED HOUSE BILL NO. 785,
HOUSE BILL NO. 1006,
HOUSE BILL NO. 1011, and the same are herewith transmitted.
DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 55,
HOUSE CONCURRENT RESOLUTION NO. 56.

MOTION

At 2:22 p.m., on motion of Senator Mardesich, the Senate recessed until 6:00 p.m.

EVENING SESSION

The President called the Senate to order at 6:00 p.m.

PARLIAMENTARY INQUIRY

Senator Woodall: "Is a quorum present?"

REPLY BY THE PRESIDENT

The President: "Yes."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I move that we proceed in order."

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

REPORTS OF STANDING COMMITTEES

September 8, 1973.

SENATE BILL NO. 2221, increasing weekly unemployment compensation benefit amount for persons working part-time (reported by Committee on Labor):

Recommendation: That Substitute Senate Bill No. 2221 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Matson, Mattingly, Woody.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2401, providing for personalized license plates (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Knoblauch, Chairman; Bailey, Canfield, Jones, Lux, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2463, revising the law relating to industrial welfare (reported by Committee on Labor):

Recommendation: That Substitute Senate Bill No. 2463 be substituted therefor and the substitute bill do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Matson, Mattingly, Woody.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2659, providing certain disability benefits for state patrol officers (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Woody.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2946, implementing the law of state shorelands and tidelands (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators Knoblauch, Chairman; Bailey, Canfield, Jones, Lux, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2958, by Senators Durkan, Murray and Gardner (by Executive request and by Superintendent of Public Instruction request):

An Act relating to education; amending section 2, chapter 46, Laws of 1973 as amended by section 137, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130; amending section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145; amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040; amending section 2, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 42, Laws of 1970 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.802; amending section 4, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.803; amending section 6, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.805; amending section 8, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.807; amending section 9, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.808; amending section 10, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.809; amending section 11, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.810; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; repealing section 2, chapter 46, Laws of 1973 as last amended by section . . . , chapter . . . , Laws of 1973 2nd ex. sess. and RCW 28A.41.130; repealing section 2, chapter 46, Laws of 1973 as last amended by sections 9, 136, 138 and 139, chapter 195, Laws of 1973 1st ex. sess., all codified as RCW 28A.41.130; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; making an effective date; and providing for the expiration of this act.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2959, by Senator Durkan:

An Act relating to property tax exemptions.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 221, by Judiciary Committee (originally sponsored by Representatives Parker, Ellis, Luders, Adams, Clemente, Gaines, Laughlin, Hansen, North (Frances), Kilbury, Valle, Bausch, Knowles, Hurley, May, Savage, Anderson, Goltz, Maxie, Eng, Beck, Douthwaite, Kalich, Gallagher, Randall, Bauer, Haussler, Shinpoch, Warnke, Bagnariol, McCormick, Rabel, Jastad, Ceccarelli, Chatalas, Van Dyke, Bender, Curtis, Fortson and Pardini):

Making it a crime to resell food stamps and food purchased therewith or to purchase resold stamps or food.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 302, by Representatives Kopet, Knowles, Julin, Amen and Leckenby (by Department of Social and Health Services request):

Providing new penalties for possession of marihuana by person serving a sentence in a penal institution.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 458, by Representatives Pardini, Savage, Pullen, Cunningham, Wilson and Hendricks (by Executive request):

Amending the partial benefit formula for unemployment compensation.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 519, by Committee on Local Government (originally sponsored by Representatives Lysen, Sommers and North (Lois):

Providing for nine port commissioners elected from districts coextensive with county councilman districts in Class AA counties.

Referred to Committee on Constitution and Elections.

MOTION

Senator Fleming moved that the Committee on Constitution and Elections be relieved of further consideration of Substitute House Bill No. 519 and the bill be re-referred to the Committee on Local Government.

Debate ensued.

The motion by Senator Fleming carried on a rising vote. Substitute House Bill No. 519 was re-referred to the Committee on Local Government.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 785, by Representatives Conner, Brown, Bausch, Douthwaite, Chatalas and Wojahn:

Increasing the minimum wage.

Referred to Committee on Labor.

HOUSE BILL NO. 1006, by Representatives Randall, Chatalas and Bagnariol:

Exempting certain personal contracts and athletic or sports franchises from property taxation.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1011, by Representatives Flanagan, Randall and Newhouse:

Providing for assessment of livestock upon monthly average stock basis.

Referred to Committee on Ways and Means.

SECOND READING

ENGROSSED SENATE BILL NO. 2136, by Senators Wanamaker, Guess and Washington (by Legislative Transportation Committee request):

Directing priority programming by the highway commission.

REPORT OF STANDING COMMITTEE

September 8, 1973.

ENGROSSED SENATE BILL NO. 2136, directing priority programming by the highway commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 4 of the engrossed and printed bill, line 29, section 3, after "*committee*" and before "on" insert "*and senate and house transportation and utilities committees*".

On page 5 of the engrossed and printed bill, line 6, section 4, after "*committee*" and before "a" insert "*and senate and house transportation and utilities committees*".

On page 6 of the engrossed and printed bill, line 15, section 5, after "*committee*" and before "a" insert "*and senate and house transportation and utilities committees*".

Signed by: Senators Walgren, Chairman; Guess, Jolly, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

The bill was read the second time by sections.

There being no objection, the committee amendments were considered simultaneously.

MOTION

Senator Donohue moved adoption of the committee amendments.

Debate ensued.

POINT OF INQUIRY

Senator Woodall: "Would Senator Washington or Senator Wanamaker yield? Senator Wanamaker, I have heard it said and I would like a statement from you on the floor, does this enable the Highway Commission, after we have allocated funds for a specific road, does this allow them to take it away from the specific project for which allocated and put it on a lesser priority project at their option?"

Senator Wanamaker: "For a specific road, no. But in categories, yes."

Senator Woodall: "Senator, I wish you would enlarge. You say, 'in categories, yes.' In other words, we vote road funds to be spent in certain orders of priority. Are we now voting that this bureau, after we have designated the way we want it spent, has the power to turn around, notwithstanding what we have voted, and say, 'We are going to put it in other places first, ahead of where the legislature voted it'? I would like to hear extensive comment on it."

Senator Wanamaker: "No, it does not give them any authority to change the legislative intent of any bill."

Senator Woodall: "Then I would like to hear just what this bill does."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, the reference that Senator Woodall is directing our attention to appears on page 5 on lines 4 and 5. Under the existing law, the law that we seek to change, the Highway Commission in selecting the projects to present to us in their budget must first chase federal dollars. They first have to go out and spend all the ninety-ten money. As a result, the second category, the fifty-fifty money is often neglected because there is not anything left. So the proposal that you are talking about, Senator Wanamaker answered your question to, says that they can change that. They can do the priority project, even though it might be a lesser rate of matching fund with the federal government."

POINT OF INQUIRY

Senator Bailey: "Would Senator Bottiger yield? Senator, since we adopted priority programming, about every highway under the fifty-fifty matching fund highway has suffered terribly. We do not have enough to even repair the potholes, let alone take care of

anything else. Everything is going in the Interstate or ninety-ten program it seems to me. Does this bill increase the ninety-ten program at the further expense of the fifty-fifty highways?"

Senator Bottiger: "Senator Bailey, it does just the opposite. Instead of chasing that federal money, now we can go down and say this particular bridge or this particular safety factor is more important than that particular freeway construction, and we would rather do this."

Debate ensued.

The motion by Senator Donohue carried and the committee amendments were adopted.

On motion of Senator Walgren, Reengrossed Senate Bill No. 2136 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2136, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Absent or not voting: Senator Greive—1.

REENGROSSED SENATE BILL NO. 2136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2143, by Senators Atwood, Day, Odegaard and Canfield:

Providing that voters at the county level may use initiative and referendum to put matters on the ballot.

MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2143 was substituted for Senate Bill No. 2143 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Grant, Substitute Senate Bill No. 2143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Day: "Would Senator Grant yield to a question? What are the percentages and what are they based on now of signatures required?"

Senator Grant: "It requires the petitions bearing signatures of registered voters of the county equal in number to not less than twenty-five percent of the number of voters—I am sorry, that is the original bill."

Senator Day: "Senator, I do not have a copy of the substitute bill."

Senator Grant: "I do not seem to have one in my book either, Senator Day. Ordinances, except ordinances providing for certain things, require fifteen percent of the registered voters of the county."

Senator Day: "Of course that does not sound like very many but if that were fifteen percent of the votes cast in the last general election in the county it would be a substantive amount, but instead of that it is based on the registered voters, which actually makes it about twenty-five percent of the people who voted in the last general election."

Senator Grant: "I do not disagree with that, Senator Day. It is a rather stringent requirement."

POINT OF INQUIRY

Senator Woodall: "Would Senator Grant yield to a question? Senator Grant, we have gotten along for many, many years in the state of Washington with the county commissioners running their government. Now what is the sudden burning need to allow people to tie up the operation of county government to the referendum process to where they can suddenly tie up something that the county commissioners thought was needed? If they do not like them they can kick them out at the next election. Now we have gotten along for seventy-five years with our present system. Why do we suddenly need the referendum in county government?"

Senator Grant: "Senator, I do not know whether there is a sudden burning need for this measure. I am not the prime sponsor of the measure. Maybe Senator Atwood would like to address himself to that. I would only say that the voters in every other jurisdiction, practically every other jurisdiction, have the authority or the right to initiative and referendum. It is one of the few remaining subdivisions of the state that does not have that authority and I think it should be granted to them."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "I would like to respond to Senator Woodall. In our county we have had two occasions on which the voters have tried unsuccessfully to referendum and because there is no right to do it, they are totally thwarted. And I think that as a citizen of Whatcom County I should have that right. I have that right as a citizen of the state. I have that right as a citizen of Bellingham. The people of King County have that full right. King County is not affected by this bill, gentlemen. They have that right by virtue of their county charter. I think the county of Snohomish in their home rule charter that was defeated had it in there and that, unfortunately, was defeated, or fortunately. But nevertheless in our county, and that was the reason for the bill, and I know some of the other sponsors, Senator Day from Spokane who is a sponsor, there have been various times and issues on which the people would like to have had a direct input and were totally thwarted. Now this bill has passed this body at least three times that I can remember with different percentages. I agree with you, Senator Day, it is a real tough hurdle, but this is the only way we could even get halfway agreement from the counties that are affected to keep from killing it in the House. I am hopeful they do not kill it again but it is of extremely high percentage. My original bill was modeled after the state and in the smaller counties, of course, that would have meant very few people could referendum anything and in effect tie up county government, just a few people, and that is why the fifteen percent was finally arrived at. But rather than have nothing at all I think there should be some vehicle to allow a citizen of a county to have some input by initiative and referendum."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Grant yield to a question? Senator Grant, what provisions are there in this bill for secrecy in the event that the people desire to put their names down on this piece of paper?"

Senator Grant: "There are none specified."

Senator Rasmussen: "Do you anticipate any court actions in that respect?"

Senator Grant: "You never know."

Senator Rasmussen: "Senator Grant, having sponsored a couple of state-wide initiatives and they were successful and I never had any knowledge that people regretted signing an initiative and they were always open to inspection and the Secretary of State's office had the cards; as they go through and check the initiatives they also check a separate card that they keep in their files which says that you, Joe Doakes, signed that initiative, and they keep those files down there in their office in a card file. I just wondered if you had explored that."

Senator Grant: "What was the question?"

Senator Rasmussen: "I was wondering if the Secretary of State wore blinders when he looked at the initiative petition."

Senator Grant: "I do not know what the Secretary of State does, Senator Rasmussen. Your comments are very interesting, though."

Senator Rasmussen: "You did not tell me, are there any secrecy provisions in this bill?"

Senator Grant: "No, this does not say that they are secret or open or anything else. It does not address itself to that question."

Senator Rasmussen: "Thank you, Senator Grant. I am still confused."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2143, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 3.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—41.

Voting nay: Senators Guess, Herr, Murray, Twigg, Woodall—5.

Absent or not voting: Senators Bailey, Greive, Matson—3.

SUBSTITUTE SENATE BILL NO. 2143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2229, by Senators Bottiger, Clarke and Woody (by Department of Social and Health Services request):

Limiting the application of the administrative procedure act in certain proceedings.

The bill was read the second time by sections.

On motion of Senator Day, Engrossed Senate Bill No. 2229 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2229, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senators Bailey, Greive—2.

ENGROSSED SENATE BILL NO. 2229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2235, by Senators Walgren and Herr:

Requiring precinct officers to appear on absentee ballots.

REPORT OF STANDING COMMITTEE

September 8, 1973.

ENGROSSED SENATE BILL NO. 2235, requiring precinct officers to appear on absentee ballots (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 17, after "*committeeman*" and before "*in*" insert "*provided that two or more candidates have filed for the same political party*".

Signed by: Senators Grant, Chairman; Canfield, Mattingly, Metcalf, Washington.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendment was adopted.

On motion of Senator Grant, Reengrossed Senate Bill No. 2235 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2235, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Absent or not voting: Senator Greive—1.

REENGROSSED SENATE BILL NO. 2235, having received the 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'S PRIVILEGE

The President: "The President should like to call the attention of the members to the fact that we are saving paper as per the Department of General Administration.

Senator Mardesich: "What was your last comment there?"

The President: "General Administration. The President has just learned from the Secretary of the Senate's office that a new policy is that both sides of the paper be used, Senator."

Senator Mardesich: "That is in line with the Senate's position of economy in government?"

The President: "Yes, it is."

Senator Woodall: "I might suggest if we got fewer memos from some of the gubernatorial advisers we could save more paper."

SECOND READING

SUBSTITUTE SENATE BILL NO. 2264, by Committee on Transportation and Utilities (originally sponsored by Senators Guess and Henry):

Prohibiting alteration of motor vehicle suspension.

REPORT OF STANDING COMMITTEE

September 8, 1973.

SUBSTITUTE SENATE BILL NO. 2264, prohibiting alteration of motor vehicle suspension (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18, section 1, after "vehicle" and before "originally" insert "with an altered or modified suspension system".

Signed by: Senators Walgren, Chairman; Bottiger, Jolly, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2264 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 Van Hollebeke: "Senator Guess, I did not get a chance to read this bill as yet and I was trying to quickly get to something here that attracted my attention. The caucus digest says, 'requires shock absorbers, spring shackles and cross stabilization linkage in proper working order and free from defects' and so forth and I wonder if this, and it provides criminal penalties up to ninety days imprisonment, does this apply to every vehicle? It does not make it a misdemeanor to have your shock absorbers not in working order, does it?"

Senator Guess: "No, it is not for that but it is for the altered vehicle. We found there are some extremely unsafe automobiles that have been modified and are loose on the highway and, working in conjunction with the State Patrol, we felt that it was necessary to require that the modified vehicle have the properly designed shock absorbers and crossways strengthening that the frame requires. So this was agreeable with the group and . . ."

Senator Van Hollebeke: "So this provision applies only to the modified vehicle?"

Senator Guess: "Only to the modified car."

Senator Van Hollebeke: "All right. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2264, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-47.

Voting nay: Senator Matson-1.

Absent or not voting: Senator Greive-1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2377, by Senators Grant and Stortini (by Secretary of State request):

Changing laws relating to U.S. congressional elections.

MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2377 was substituted for Engrossed Senate Bill No. 2377 and the substitute bill was placed on second reading.

On motion of Senator Atwood, Substitute Senate Bill No. 2377 was ordered to hold its place on the second reading calendar for Sunday, September 9, 1973.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2447, by Judiciary Committee (originally sponsored by Senators Bottiger and Twigg):

Regulating promotional contests.

The bill was read the second time by sections.

On motion of Senator Whetzel, the following amendment was adopted;

On page 1, section 1, line 19, after "a" strike "lottery" and insert "promotional contest".

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 2447 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2447, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Absent or not voting: Senator Greive—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2447, having received the constitutional 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 Atwood, Senate Bill No. 2551 was ordered to hold its place on the second reading calendar for Sunday, September 9, 1973.

SECOND READING

SENATE BILL NO. 2915, by Senators Fleming, Ridder and Gardner:

Reducing student population qualification for recognition of certain districts in class AA counties as separate classification of districts for certain purposes.

The bill was read the second time by sections.

On motion of Senator Fleming, Senate Bill No. 2915 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2915, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lux, Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—42.

Voting nay: Senators Guess, Lewis (Bob), Mattingly, Newschwander, Twigg, Woodall—6.

Absent or not voting: Senator Greive—1.

SENATE BILL NO. 2915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2942, by Committee on Social and Health Services (endorsed by Senators Jones, Greive, Woody, Van Hollebeke, Connor, Clarke, Woodall, Murray, Day and Herr):

Correcting the laws defining controlled substances.

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2942 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Francis: "I do not want to raise the point of scope and object. I just want to make an inquiry here. Does not this bill embrace more than one subject? It looks to me like it embraces both opium and marihuana."

Senator Day: "In answer to the inquiry, these are both controlled substances and both of these are amendments (sic) to the same controlled substances act."

POINT OF INQUIRY

Senator Sandison: "Would Senator Day yield to a question? Senator, I have done a little reading on this lately and there is one school of thought that says cannabis sativa is a generic and basic member of the cannabis family and every other specie is just a derivative thereof and there are some people in the prosecutor's office in my own particular county who feel that the cannabis sativa would be enough to take care of the situation. What is your feeling on that?"

Senator Day: "No, according to the authority that we found at Washington State University that is not true and it was not true in the case in Florida where it was a successful defense and there is no way to identify the other varieties or to differentiate them once the leaves have been crumbled up. They all have hallucinagenic effects. There are different varieties and this does plug an actual loophole."

Senator Sandison: "If I could ask another question then. This has received the approval of the narcotics department here?"

Senator Day: "That is right."

Senator Sandison: "And the prosecutors?"

Senator Day: "All the law enforcement people that we have talked to support this particular amendment. Now we did talk to the federal people. They felt that the one relative to cannabis was imperative. They felt that in one instance in California they had been able to defend on the opiate derivative. They had been able to defend that one successfully, but it hinged on a very fine point of law and all this does is assure that there is not a loophole in either one of the areas."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2942, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senators Greive, Lewis (Harry)—2.

SENATE BILL NO. 2942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF STANDING COMMITTEE

September 8, 1973.

SENATE BILL NO. 2956, relating to making appropriations to state agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2956 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Gardner, Grant, Marsh, Peterson (Ted), Sandison, Scott.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2956 was advanced to second reading.

On motion of Senator Mardesich, Substitute Senate Bill No. 2956 was substituted for Senate Bill No. 2956.

On motion of Senator Durkan, the Senate resolved itself into a Committee of the Whole, Senator Henry in the Chair, for the purpose of considering Substitute Senate Bill No. 2956. Debate ensued.

MOTION

At 7:30 p.m., on motion of Senator Mardesich, the Senate recessed until 8:10 p.m.

SECOND EVENING SESSION

Senator Henry called the Senate to order at 8:10 p.m.

The Senate resumed consideration of Substitute Senate Bill No. 2956 in the Committee of the Whole.

MOTION

Senator Lewis (Harry) moved that Substitute Senate Bill No. 2956 be held for consideration at a time certain, first order of business, on Sunday, September 9, 1973.

Debate ensued.

POINT OF INQUIRY

Senator Atwood: "Would Senator Mardesich yield? Are you having your attorney rewrite that bill, Economic Impact Act? It is in just terrible condition."

Senator Mardesich: "I would suggest that Mr. Grosse contact Mr. Nicolai."

Senator Atwood: "I asked him to and I would hope they are rewriting it. I am for the act. I signed it out of Ways and Means but I did not see the fifth draft but it is in very bad condition and your attorney claims it is unconstitutional as it presently stands."

Senator Mardesich: "I hope so".

The motion by Senator Lewis (Harry) carried. Substitute Senate Bill No. 2956 was made a special order of business as the first bill on the second reading calendar for Sunday, September 9, 1973.

MOTION

On motion of Senator Durkan, the Senate dispensed with the Committee of the Whole. President Cherberg assumed the Chair.

MOTION

At 8:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 2:00 p.m., Sunday, September 9, 1973.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SECOND DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wash., Sunday, September 9, 1973.

The Senate was called to order at 2:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Gardner, Greive, Keefe and Rasmussen. There being no objection, Senators Keefe and Rasmussen were excused.

The Color Guard, consisting of Pages Linda Borte and Mark Miller, presented the Colors. Doctor Henry S. Rahn, pastor of First Baptist Church of Olympia, offered the following prayer:

"WITH THE PSALMIST OF OLD WE WOULD PRAY, 'BE THOU EXALTED, O GOD, IN THE HEAVENS ABOVE; LET THY GLORY BE ABOVE ALL THE EARTH'.

"IN A WORLD WHERE WE ARE FACED WITH A SPIRITUAL ENERGY CRISIS, WHERE WE ARE CONFRONTED WITH MORAL WEIGHTLESSNESS, QUICKEN TO LIFE EVERY POWER FOR GOOD WITHIN US.

"GUIDE THE IMAGINATION OF OUR MINDS, STRENGTHEN THE LABOR OF OUR HANDS, INSPIRE THE DEDICATION OF OUR HEARTS, AS WE GIVE OURSELVES TO THE TASKS BEFORE US. MAKE OUR PURPOSE LARGE ENOUGH TO INCLUDE THY PURPOSE. THROUGH CHRIST OUR LORD, AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

September 8, 1973.

ENGROSSED SENATE BILL NO. 2245, providing compensation to members of the marine employees' commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Matson, Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2402, implementing laws relating to nuclear thermal power facilities (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Lewis (Bob), Matson, Peterson (Lowell), Rasmussen, Sellar, Wanamaker.
Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2410, allowing operation of school buses and certain trucks under any road conditions (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Peterson (Lowell), Rasmussen, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

ENGROSSED SENATE BILL NO. 2456, providing uniformity of definition regarding motor vehicle laws (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (Bob), Matson, Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2603, setting forth state economic impact act seeking to offset economic consequences of closing state institutions and services (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2603 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Fleming, Gardner, Lewis (Harry), Marsh, Newschwander, Sandison.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2642, providing for acquisition of parking facilities by the state highway commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Peterson (Lowell), Rasmussen, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

SENATE BILL NO. 2731, relating to utilities (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2731 be substituted therefor, and that the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Lewis (Bob), Matson, Peterson (Lowell), Rasmussen, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

September 8, 1973.

SUBSTITUTE SENATE BILL NO. 2787, implementing laws relating to the licensing of certain motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Lewis (Bob), Matson, Peterson (Lowell), Rasmussen, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2960, by Senator Durkan:

An Act relating to funds for the use of the common schools; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; making an effective date; and providing for the expiration of this act.

Referred to Committee on Ways and Means.

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "I had a motion before the house as the first order of business, if I recall. May that be considered at this point?"

REPLY BY THE PRESIDENT

The President: "Senator Lewis, the President believes that the record will show that your motion was to the effect that it would be considered on the proper order of business and that would be"

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, if I recall, Senator Lewis's motion when he asked to hold the appropriation bill over that he made the motion that the first order of business we would consider on second reading would be the appropriation bill."

REPLY BY THE PRESIDENT

The President: "That was another motion offered by Senator Lewis."

REMARKS BY SENATOR DURKAN

Senator Durkan: "Yes, and we want to cooperate with him on that."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Senator Durkan, I am merely making a parliamentary inquiry. I am just trying to inquire where we are and if you know, why I would prefer to let the President tell me."

REPLY BY THE PRESIDENT

The President: "Senator Lewis is making a parliamentary inquiry as to his motion made yesterday. Senator Lewis has stated that he believes it was to be considered on the first order of business and the President believes that the record will show that Senator Lewis's motion indicated that it would be considered on the appropriate or proper order of business. Under the rules of the Forty-third Regular Session it would be the eighth order of business."

SPECIAL ORDER OF BUSINESS

The Senate commenced consideration of Substitute Senate Bill No. 2956. The motion to substitute Senate Bill No. 2956 was made on the previous day by Senator Mardesich.

SUBSTITUTE SENATE BILL NO. 2956, by Committee on Ways and Means (originally sponsored by Senators Mardesich, Atwood and Durkan) (by Executive Request):

Authorizing expenditures by state agencies and offices.

On motion of Senator Durkan, the Senate resolved itself into a Committee of the

Whole, Senator Henry in the Chair, for the purpose of considering Substitute Senate Bill No. 2956.

COMMITTEE OF THE WHOLE

Engrossed Substitute Senate Bill No. 2956 was considered in the Committee of the Whole and reported back to the Senate, Senator Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Durkan, the report of the committee was adopted.

On motion of Senator Durkan, the reading had in the Committee of the Whole was considered the second reading of Engrossed Substitute Senate Bill No. 2956.

On motion of Senator Durkan, the following amendments to Substitute Senate Bill No. 2956 adopted in the Committee of the Whole were adopted by the Senate:

On page 4, section 10, line 5, strike "60,000" and insert "40,000".

On page 5, section 15, line 14, after "receipts" insert a period and strike the remainder of the section.

On motion of Senator Durkan, Engrossed Substitute Senate Bill No. 2956 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2956, and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lux, Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzl, Woody—37.

Voting nay: Senators Canfield, Guess, Lewis (Bob), Mattingly, Peterson (Ted), Twigg, Woodall—7.

Absent or not voting: Senators Fleming, Gardner, Greive—3.

Excused: Senators Keefe, Rasmussen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2956, having received the constitutional 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 Durkan, Engrossed Substitute Senate Bill No. 2956 was ordered immediately transmitted to the House.

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

REPORT OF STANDING COMMITTEE

September 8, 1973.

SENATE BILL NO. 2102, limiting property tax levies (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2102 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Fleming, Grant, Lewis (Harry), Mardesich, Marsh, Scott, Woody.

MOTION

On motion of Senator Durkan, Senate Bill No. 2102 was advanced to second reading.

MOTION

At 2:10 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 4:05 p.m.

SECOND READING

SENATE BILL NO. 2102, limiting property tax levies.

MOTION

On motion of Senator Durkan, Substitute Senate Bill No. 2102 was substituted for Senate Bill No. 2102.

MOTIONS

On motion of Senator Durkan, Senator Gardner was excused.

On motion of Senator Durkan, the Senate resolved itself into a Committee of the Whole, President Pro Tempore Henry in the Chair, for the purpose of considering Substitute Senate Bill No. 2102.

MOTION

Senators Durkan, Bailey and Greive demanded a Call of the Senate.

POINT OF ORDER

Senator Woodall: "We are not in meeting. We are in the Committee of the Whole. There is no procedure for a Call of the Senate while you are in Committee of the Whole. Any rule of common sense."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "That does not apply to Henry's rules of order, Senator Woodall. They are not common sense."

PARLIAMENTARY INQUIRY

Senator Durkan: "If the majority of the members of the Senate wish to have a Call of the Senate, would it be in order?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Majority rules."

Senators Durkan, Bailey and Washington demanded a Call of the Committee. A Call of the Committee was ordered.

CALL OF THE COMMITTEE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Committee, all members being present except Senators Gardner and Rasmussen, who had previously been excused.

COMMITTEE OF THE WHOLE

Engrossed Substitute Senate Bill No. 2102 was considered in the Committee of the Whole and reported back to the Senate, Senator Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Durkan, the report of the committee was adopted.

On motion of Senator Durkan, the reading had in the Committee of the Whole was considered the second reading of Engrossed Substitute Senate Bill No. 2102.

On motion of Senator Durkan, the following amendments to Substitute Senate Bill No. 2102 adopted in the Committee of the Whole were adopted by the Senate:

In the title, on page 1, line 23, following "(. . .);" and before "amending" insert "amending section 82A-31, chapter 141, Laws of 1973 1st ex. sess. and RCW (. . .);"

On page 2, line 1 of the title, after "sections;" insert "adding a new chapter to Title 82 RCW;"

On page 19, section 6, line 27, after "mean" strike the quotation marks before and after "property".

On page 19, section 6, line 28, after "and is" strike "in fact" and after "taxpayer" on line 29, strike "within the usual and ordinary meaning of these terms".

On page 19, section 6, line 29, after "exchanged" insert "or disposed of".

On page 28, beginning on line 14, strike all the material down through the period on line 16 and insert the following:

"[(h) Add in the case of a cooperative association patronage dividends to the extent deducted in computing federal taxable income.]"

Renumber the remaining subsections consecutively.

A demand for a roll call was sustained on adoption of the following amendment:

On page 25, section 7, line 27, after the period, insert a new subsection as follows:

"(i) Deduct an amount equal to the itemized deductions allowable to the taxpayer for federal income tax purposes under section 163 (interest) of the Internal Revenue Code."

Reletter the remaining subsections consecutively.

ROLL CALL

The Secretary called the roll and the amendment to page 25, section 82A-4, line 27 was not adopted by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Atwood, Canfield, Clarke, Day, Donohue, Dore, Greive, Guess, Herr, Jones, Lewis (Bob), Lewis (Harry), Marsh, Matson, Mattingly, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—23.

Voting nay: Senators Bailey, Bottiger, Connor, Durkan, Fleming, Francis, Grant, Henry, Jolly, Keefe, Knoblauch, Lux, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Sandison, Stortini, Talley, Van Hollebeke, Walgren, Washington, Woody—24.

Excused: Senators Gardner, Rasmussen—2.

On page 38, line 17, after the period insert the following:

Amend section 13 by adding the following language:

"The terms 'taxable income', 'net income', or 'income' as used in subpart D of this title and section 82A-34 shall mean 'taxable income', 'net income', or 'income' as defined in this title prior to the application of any of the allocation or apportionment provision of this title."

On page 38 after line 32 insert the following new section:

"Sec. 15. Section 82A-26, chapter 141, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

Interstate Transportation of Oil by Pipeline; Apportionment. In the case of taxable income derived from the transportation of oil by pipeline, taxable income attributable to Washington shall be that portion of the taxable income of the taxpayer derived from the pipeline transportation of oil that the barrel miles transported in Washington bear to the barrel miles transported by the taxpayer in all the states in which the taxpayer is subject to tax."

Renumber the remaining sections accordingly.

On page 39, following section 15, add a new section as follows:

"Sec. . . . Section 82A-31, chapter 141, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

Exemptions. (1) A person who is exempt from federal income tax pursuant to the provisions of the Internal Revenue Code shall be exempt from the tax imposed by this Title except [:

(a) An organization included under sections 501 (c)(12) and 501 (e)(16) of the Internal Revenue Code.

(b) the unrelated taxable business income of an exempt person as determined under the provisions of the Internal Revenue Code.

(2) This Title shall not apply to a regulated investment company or real estate investment trust as defined in the Internal Revenue Code, except to the extent that such company or trust has taxable income for federal tax purposes.

(3) Nothing in this section shall exempt any person from the withholding and information return provisions of this Title."

Renumber the remaining sections consecutively.

On page 43, section 19, line 3, after "of" strike the remainder of the line and insert "the proposed amendment to Article 7 of the State Constitution by HJR 37 authorizing the".

On page 43, after section 19, insert new sections as follows:

NEW SECTION. Sec. 20. An amount equal to the public utility tax imposed by chapter 82.16 and all similar excise or license taxes which now or hereafter are imposed by the state and which are measured by gross receipts or gross proceeds of sales ("utility taxes" herein), to the extent they are imposed on any public utility business on account of its service, may on the terms and conditions hereof, be added to the rates charged customers, and be collected from customers, as a separate identified charge: PROVIDED, HOWEVER, That if such state public utility tax is added as a separately identified charge, at that time such amount as may have heretofore been included as a part of rates charged customers shall be subtracted from such rates.

For purposes of this act:

(1) "Public utility business" means any "railroad business," "railroad car business," "water distribution business," "light and power business," "telephone and telegraph business," or "gas distribution business," as those terms are defined in chapter 82.16; and

(2) "Service" means any service or commodity provided by a public utility business (other than electricity, gas, or water provided to a customer for resale as such in the regular course of a public utility business) for a charge or fee, to the extent such charge or fee subjects such public utility business to any utility taxes.

NEW SECTION. Sec. 21. Separate identified charges equal to utility taxes shall not be charged to or collected from customers by any public utility business subject to the jurisdiction of the utilities and transportation commission until after notice to such commission and publication of such charges as provided by law, or until after such business shall have obtained approval therefor from such commission.

NEW SECTION. Sec. 22. Sections 20 and 21 of this act are added to chapter 15, Laws of 1961 and shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 23. There is added to chapter 15, Laws of 1961, and to chapter 82.16 RCW a new section to read as follows:

The provisions of this chapter shall not apply to amounts collected by any public service business from customers as a separate identified charge for utility taxes as permitted by RCW (section 20 of SSB No. 2102)."

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator Clarke: "Is it proper to have a motion to table in a committee of the whole?"

RULING BY SENATOR HENRY

Senator Henry: "Rule 51 of the rules that we have not adopted does not preclude the motion to table."

MOTIONS

On motion of Senator Durkan, the Senate dispensed with the Call of the Committee.

On motion of Senator Durkan, Engrossed Substitute Senate Bill No. 2102 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Marsh: "Would Senator Durkan yield to a question? Senator Durkan, relative to section 16 of the amendment to the proposed state income tax act which we have just considered while sitting as a Committee of the Whole, said section being section 82A-33 of chapter 141, Laws of 1973 First Extraordinary Session, I want to know your interpretation as chairman of the Committee on Ways and Means and the interpretation of the Committee on Ways and Means as to whether a Washington income taxpayer who has paid an income tax on income derived or received in the state of Oregon or in any other state imposing a state income tax is entitled to credit on his Washington state income tax return for payment of such foreign income tax if the income received in the foreign jurisdiction has been included and reported as part of the taxpayer's income in the Washington state income tax return."

Senator Durkan: "Mr. President and members of the Senate, as I understand this testimony by the expert witnesses before the Ways and Means Committee, section 16 of the amendment to the proposed income tax statute, and that is the section which we are discussing, Senator Marsh, has been explained to us by the tax experts who have appeared before the committee that any individual, estate or trust filing an income tax return in the state of Washington will be allowed a credit against the taxes imposed by the state of Washington for taxes paid by such individual, estate or trust on income derived and paid to another state by way of income tax. If the income tax derived or received in another state which imposes an income tax has not been included in the return filed in the state of Washington, then the taxpayer would not be entitled to a credit for the income paid in another state on income not reported as part of his Washington state income tax return. With permission of the Senate, I will file this with the clerk."

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Durkan yield to a question please? Senator Durkan, the amendment that I proposed as amended by Senator Mardesich and Senator Whetzel—I am referring to that amendment—is it correct that that amendment in no way broadens the intent of defining capital property as defined in sections 1221 and 1223 of the Internal Revenue Code? Is that our purpose here?"

Senator Durkan: "Yes, Senator Lewis. Prior to the Whetzel amendment and the addition of disposition I would say that the intent of the changes, the technical changes, the amendment by Senator Mardesich to your amendment was to bring the present bill which is before us in line with what we understood the language to be in the income tax bill which passed during the extraordinary session of the legislature."

Senator Lewis (Harry): "Do I understand that your understanding of what we did is that we were not attempting to broaden the definitions of the Internal Revenue Code?"

Senator Durkan: "That is my understanding. Now the only addition is that I do not really have what the full impact on the word 'disposition' is."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2102, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Connor, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Knoblauch, Lux, Mardesich, Marsh, Metcalf, Murray, Odegaard, Peterson (Lowell), Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Washington, Whetzel, Woody—28.

Voting nay: Senators Atwood, Clarke, Day, Donohue, Dore, Greive, Guess, Jones,

Keefe, Lewis (Bob), Lewis (Harry), Matson, Mattingly, Newschwander, Peterson (Ted), Sellar, Twigg, Wanamaker, Woodall—19.

Excused: Senators Gardner, Rasmussen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE HOUSE

September 9, 1973.

Mr. President: The House has passed HOUSE CONCURRENT RESOLUTION NO. 58, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 9, 1973.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 189,
ENGROSSED HOUSE BILL NO. 190,
REENGROSSED HOUSE BILL NO. 706,
ENGROSSED HOUSE BILL NO. 1026,
ENGROSSED HOUSE BILL NO. 1075,
ENGROSSED HOUSE JOINT RESOLUTION NO. 6, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2961, by Senator Durkan:

An Act relating to prosecuting attorneys; and adding a new section to chapter 36.27 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2962, by Senators Walgren, Whetzel, Francis and Keefe:

An Act relating to cities and towns; and adding a new section to chapter 35.21 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2963, by Senators Scott, Rasmussen, Marsh, Lewis (Harry), Mardesich, Fleming, Metcalf and Murray (by Executive request):

An Act relating to the teachers' retirement system; amending section 6, chapter 151, Laws of 1967 and RCW 41.32.4931; declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2964, by Senator Gardner:

An Act relating to school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2965, by Senators Walgren, Peterson (Lowell) and Wanamaker:

An Act relating to highways; making supplemental appropriations for the Washington toll bridge authority; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2966, by Senator Walgren:

An Act relating to energy use by the state of Washington; adding new sections to chapter 43.17 RCW; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2967, by Senators Walgren, Bottiger and Guess:

An Act relating to the curtailment and/or allocation of the usage of electric power; creating a new chapter in Title 43 RCW; providing penalties; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

There being no objection, additional sponsors were permitted on Senate Bill No. 2963.

ENGROSSED HOUSE BILL NO. 189, by Representative Randall:

Relating to revenue and taxation.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 190, by Representative Randall:

Relating to revenue and taxation.

Referred to Committee on Ways and Means.

REENGROSSED HOUSE BILL NO. 706, by Representative Randall:

Requiring assessors to add to the assessment list the omitted value of personal property.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1026, by Representatives Van Dyk, North (Lois), Goltz, Kilbury, Douthwaite, Fortson, Charnley, Rabel, Lysen, Sommers and Kelley:

Providing for a state-wide system of unit pricing in grocery stores.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 1075, by Representatives Kopet and Shinpoch:

Providing for state participation in the federal supplemental security income program.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE JOINT RESOLUTION NO. 6, by Representative Savage:

Allowing bills introduced at a session to carry over to subsequent sessions of the same legislature.

Referred to Committee on Constitution and Elections.

HOUSE CONCURRENT RESOLUTION NO. 58, by Representative Charette:

Hearing testimony on the energy crisis.

MOTIONS

On motion of Senator Mardesich, House Concurrent Resolution No. 58 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, House Concurrent Resolution No. 58 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

On motion of Senator Walgren, Senator Keefe was permitted as an additional sponsor to Senate Bills 2961 and 2962.

MOTION

At 7:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:30 p.m., Monday, September 10, 1973.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wash., Monday, September 10, 1973.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Greive and Van Hollebeke.

The Color Guard, consisting of Pages Linda Fairburn and Patrick Corr, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE COME TO YOU ON THIS MONDAY AFTERNOON FOR RENEWED STRENGTH AND WISDOM. WE THANK YOU THAT JESUS CHRIST RODE INTO HISTORY TO IDENTIFY WITH OUR WEAKNESSES AND INADEQUACIES. THROUGH HIM WE CAN KNOW PURPOSE AND POWER FOR EVERY NEW DAY. WE TAKE TIME TO DRAW UPON YOUR DIVINE RESOURCES FOR THE TASKS AND CHALLENGES BEFORE US. HELP US TO BE EXCITED TODAY ABOUT OUR COUNTRY, ABOUT PEOPLE, ABOUT OURSELVES, ABOUT OUR JOB... EXCITED ABOUT LIFE ITSELF, RENEW US IN MIND, IN BODY, AND IN SPIRIT AS WE STAND BEFORE YOU IN THESE BRIEF MOMENTS. LET ENTHUSIASM SURGE THROUGH US, AND MAY WE BE SWEEP ALONG BY IT SO THAT EVERYTHING BECOMES GREAT AND WONDERFUL, AS IT IS INTENDED TO BE. MAY, BECAUSE OF THIS SESSION TODAY, BECAUSE OF OUR GOD-GIVEN ENTHUSIASM AND ATTITUDE, OTHERS BE HELPED, MANKIND MADE A LITTLE BETTER... SOMEONE'S WAY BRIGHTER BECAUSE WE OPENED OUR MINDS, OUR HEARTS, TO ALL YOUR WISDOM, UNDERSTANDING AND LOVE. THROUGH CHRIST OUR LORD WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

September 8, 1973.

SENATE BILL NO. 2954, authorizing the state highway commission to increase the amount of funds for the operation of the Puget Island ferry (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Knoblauch, Lewis (Bob), Mattingly, Peterson (Lowell), Rasmussen, Talley, Wanamaker, Whetzel.
Passed to Committee on Rules for second reading.

September 10, 1973.

SENATE BILL NO. 2960, relating to state aid for use of common schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Fleming, Gardner, Lewis (Harry), Marsh, Peterson (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

September 10, 1973.

ENGROSSED HOUSE BILL NO. 189, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Dore, Marsh, Peterson (Ted), Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

September 10, 1973.

REENGROSSED HOUSE BILL NO. 706, requiring assessors to add to the assessment list the omitted value of personal property (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Dore, Gardner, Marsh, Metcalf, Peterson (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mr. Charles Morris, appointed October 25, 1973 for a term ending at the pleasure of the Governor, succeeding Sidney Smith as Secretary of the Department of Social and Health Services.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mr. Richard Hemstad, appointed July 1, 1973 for a term ending at the pleasure of the Governor, succeeding Richard H. Slavin as Director of the Department of Planning and Community Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Keith Angier, appointed August 20, 1973 for a term ending at the pleasure of the Governor, succeeding John Gurnee as Director of the Department of General Administration.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Robert A. Felthous, appointed June 6, 1973 for a term ending December 31, 1977, succeeding Howard Hettinger as a member of the Washington State Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Don L. Bell, appointed July 1, 1973 for a term ending December 31, 1977, succeeding Ben de St. Croix as a member of the Washington State Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Norman A. Majer, appointed June 15, 1973 for a term ending December 31, 1977, succeeding himself as a member of the Washington State Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Louis Soriano, appointed June 4, 1973 for a term ending April 3, 1978, succeeding L. Evert Landon as a member of the Washington State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Helen Radke, appointed July 1, 1973 for a term ending April 3, 1977, succeeding Mrs. Ruth Shephard as a member of the Washington State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Andrew Young, appointed June 4, 1973 for a term ending April 3, 1977, succeeding himself as a member of the Washington State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Matthew J. Hayes, M.D., appointed July 17, 1973 for a term ending July 1, 1975, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Merlin Traylor, appointed July 17, 1973 for a term ending July 1, 1976, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. John Philbin, appointed July 17, 1973 for a term ending July 1, 1976, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Miss Anna Mae Erickson, appointed July 17, 1973 for a term ending July 1, 1974, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
William J. Henry, M.D., appointed July 17, 1973 for a term ending July 1, 1976, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Rance Freeman, appointed July 17, 1973 for a term ending July 1, 1974, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Peter T. Brooks, M.D., appointed July 17, 1973 for a term ending July 1, 1976, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Jay M. Kranz, M.D., appointed July 17, 1973 for a term ending July 1, 1975, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Zoe B. Lucke, R.N., appointed July 17, 1973 for a term ending July 1, 1976, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Michael E. Donohue, appointed July 13, 1973 for a term ending July 1, 1977, as a member of the Washington State Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Professor Albert L. Pasquan, appointed July 13, 1973 for a term ending July 1, 1979, as a member of the Washington State Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Oliver C. Furseth, appointed July 13, 1973 for a term ending July 1, 1976, as a member of the Washington State Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Camden M. Hall, appointed July 13, 1973 for a term ending July 1, 1978, as a member of the Washington State Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Andrew E. Zuarri, appointed July 13, 1973 for a term ending July 1, 1975, as a member of the Washington State Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mrs. Evelyn Jaeger, appointed July 12, 1973 for a term ending July 1, 1979, succeeding Glen Norman as a member of the Higher Education Personnel Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Howard Sorensen, appointed August 1, 1973 for a term ending July 1, 1978, succeeding Mrs. Lorna Ream as a member of the Washington State Highway Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mrs. Virginia K. Gunby, appointed July 1, 1973 for a term ending July 1, 1979, succeeding Mr. John Rupp as a member of the Washington State Highway Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Ludwig Lobe, appointed July 20, 1973 for a term ending July 1, 1977, as a member and Chairman of the Hospital Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Norman Ramsey, appointed July 20, 1973 for a term ending July 16, 1977, as a member of the Hospital Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Arthur S. Biddle, M.D., appointed July 20, 1973 for a term ending July 16, 1977, as a member of the Hospital Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Paul S. Bliss, appointed July 20, 1973 for a term ending July 16, 1977, as a member of the Hospital Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Jon Galt Bowman, appointed August 7, 1973 for a term ending July 16, 1977, as a member of the Hospital Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Senator Gordon Sandison, appointed July 6, 1973 for a term ending June 9, 1977, succeeding himself as a member of the Western Interstate Commission for Higher Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Rod Sanchez, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Martin Yanez as a member of the Mexican-American Affairs Commission.

Sincerely,

DANIEL J. EVANS

Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Eddy Esparza, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Raymond Lopez as a member of the Mexican-American Affairs Commission.

Sincerely,

DANIEL J. EVANS

Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Max Perez, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Tino Cervantes as a member of the Mexican-American Affairs Commission.

Sincerely,

DANIEL J. EVANS

Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Rudolfo Cortez, appointed July 18, 1973 for a term ending July 1, 1977, succeeding himself as a member of the Mexican-American Affairs Commission.

Sincerely,

DANIEL J. EVANS

Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Robert Guadiana, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Guadalupe Gamboa as a member of the Mexican-American Affairs Commission.

Sincerely,

DANIEL J. EVANS

Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mrs. Guadalupe Zuniga, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Theresa Aragon de Shepro as a member of the Mexican-American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Thomas Cerna, Jr., appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Washington State Mexican-American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Keo J. Capestany, appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Washington State Mexican-American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Dr. Zenaido Camacho, appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Washington State Mexican-American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Thomas Villanueva, appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Washington State Mexican-American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Adan Farias Tijerina, appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Washington State Mexican-American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mrs. J. D. Osborne, appointed August 17, 1973 for a term ending January 18, 1976, as a member of the Washington State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Edryn H. Jones, appointed August 15, 1973 for a term ending January 18, 1977, succeeding Claude Edgren as a member of the Washington State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Ted Taniguchi, appointed August 15, 1973 for a term ending January 18, 1975, as a member of the Washington State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mrs. Mary Ellen McCaffree, appointed August 28, 1973 for a term ending July 1, 1974, succeeding James T. Sheehy as a member of the Washington State Pollution Control Hearings Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Stuart G. Oles, appointed July 13, 1973 for a term ending December 31, 1977, succeeding Francis E. Holman as a member of the Public Disclosure Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Constitution and Elections.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Robert W. Strausz, appointed June 7, 1973 for a term ending March 9, 1979, succeeding Lyle W. Neff as a member of the Board of Regents for Washington State University.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Dr. Robert Gibb, appointed June 21, 1973 for a term ending March 9, 1979, succeeding Howard W. Morgan as a member of the Board of Regents for Washington State University.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Harold A. Romberg, appointed June 7, 1973 for a term ending March 9, 1979, succeeding himself as a member of the Board of Regents for Washington State University.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Robert Tenney, appointed May 23, 1973 for a term ending March 1, 1979, succeeding himself as a member of the Board of Tax Appeals.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Halvor Halvorson, appointed March 15, 1973 for a term ending March 15, 1978, succeeding himself as a member of the Board of Trustees of The Evergreen State College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Harris "Brick" Johnson, appointed April 23, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number One, Peninsula Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Dr. William J. McKinney, appointed April 30, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Two, Grays Harbor Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Raymond L. Soule, appointed June 4, 1973 for a term ending April 3, 1977, succeeding Louis Soriano as a member of the Board of Trustees of Community College District Number Three, Olympic Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Marjorie Peters, appointed April 13, 1973 for a term ending April 3, 1978,

succeeding herself as a member of the Board of Trustees of Community College District Number Four, Skagit Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mrs. Lawrence E. Foster, appointed May 15, 1973 for a term ending April 3, 1978, succeeding Gordon Farrar as a member of the Board of Trustees of Community College District Number Three, Olympic Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mrs. Claudette R. Cody, appointed August 28, 1973 for a term ending April 3, 1976, succeeding John D. Woodward as a member of the Board of Trustees of Community College District Number Five, Everett-Edmonds Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. George Williams, appointed June 8, 1973 for a term ending April 3, 1978, succeeding Dr. Arne G. Hansen as a member of the Board of Trustees of Community College District Number Five, Everett-Edmonds Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

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

Mr. Eugene Corr, appointed May 14, 1973 for a term ending April 3, 1978, succeeding Cam DeVore as a member of the Board of Trustees of Community College District Number Six, Seattle Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Roy S. Mar, appointed April 7, 1972 for a term ending April 3, 1977, succeeding herself as a member of the Board of Trustees of Community College District Number Six, Seattle Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Pinckney M. Rohrback, appointed April 6, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Seven, Shoreline Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Neil McReynolds, appointed May 14, 1973 for a term ending April 3, 1978, succeeding Robert F. Hayman as a member of the Board of Trustees of Community College District Number Eight, Bellevue Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Vincent A. Mennella, appointed April 13, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Nine, Highline Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Dr. Richard A. Eidal, appointed April 30, 1973 for a term ending April 3, 1978,

succeeding himself as a member of the Board of Trustees of Community College District Number Ten, Green River Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Douglas Richter, appointed April 13, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Eleven, Fort Steilacoom Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Dale Bowen, M.D., appointed May 23, 1973 for a term ending April 3, 1978, succeeding Eric Feasey as a member of the Board of Trustees of Community College District Number Thirteen, Lower Columbia Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Betty J. Mage, appointed April 6, 1973 for a term ending April 3, 1978, succeeding herself as a member of the Board of Trustees of Community College District Number Fourteen, Clark Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Thomas C. Warren, appointed May 21, 1973 for a term ending April 3, 1978, succeeding Jean Ludwick as a member of the Board of Trustees of Community College District Number Fifteen, Wenatchee Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. William L. Halpin, appointed August 14, 1973 for a term ending April 3, 1976, succeeding Paul Rickman as a member of the Board of Trustees of Community College District Number Sixteen, Yakima Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Charles de la Chapelle, appointed April 13, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Sixteen, Yakima Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.]

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Robert T. Greene, appointed May 15, 1973 for a term ending April 3, 1978, succeeding Thomas Giboney as a member of the Board of Trustees of Community College District Number Seventeen, Spokane Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Alfred C. Geesey, appointed May 15, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Eighteen, Big Bend Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Dr. Lyle D. Perrigo, appointed April 6, 1973 for a term ending April 3, 1978,

succeeding himself as a member of the Board of Trustees of Community College District Number Nineteen, Columbia Basin Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mr. I. L. Smith, appointed April 6, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Twenty, Walla Walla Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mr. James G. McKellar, appointed May 24, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District Number Twenty-one, Whatcom Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mrs. Lewis Hatfield, appointed April 13, 1973 for a term ending April 3, 1978, succeeding Charles Edmonds as a member of the Board of Trustees of Community College District Number Twenty-two, Tacoma Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mr. Tim O'Grady, appointed July 17, 1973 for a term ending April 3, 1976, succeeding Roy Springer as a member of the Board of Trustees of Community College District Number Twenty-two, Tacoma Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Richard P. Wollenberg, appointed August 20, 1973 for a term ending June 30, 1979, succeeding himself as a member of the Council on Higher Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, September 8, 1973.

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

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Ruth Shepherd, appointed August 17, 1973 for a term ending June 30, 1979, succeeding Mrs. Tad Wada as a member of the Council on Higher Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2968, by Senator Lewis (Harry):

An Act relating to temporary variances of air pollution control standards; adding new sections to chapter 70.94 RCW; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 2969, by Senator Lewis (Harry):

An Act relating to air pollution variances; amending section 31, chapter 238, Laws of 1967 as amended by section 22, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.181; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 2970, by Senators Lewis (Harry), Jones and Bottiger:

An Act relating to public records; and amending section 31, chapter 1, Laws of 1973 (Initiative Measure No. 276) and RCW 42.17.310.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2971, by Senators Lewis (Harry), Mattingly and Bottiger:

An Act relating to initiative and referendum petition signatures; amending section 29.79.120, Laws of 1965 and RCW 29.79.120; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2972, by Senators Durkan, Marsh, Donohue, Jolly, Knoblauch, Connor, Bailey, Odegaard, Woody, Rasmussen, Sandison, Grant, Fleming and Bottiger:

An Act relating to the support of elderly, poor, and infirm persons; authorizing property tax exemptions; authorizing a program of rental support; adding a new chapter to Title 36 RCW; adding new sections to chapter 84.36 RCW; repealing section 4, chapter 288, Laws of 1971 ex. sess., section 1, chapter 126, Laws of 1972 ex. sess., section 1, chapter 98, Laws of 1973 ex. sess. and RCW 84.36.370; repealing section 5, chapter 288, Laws of 1971 ex. sess., section 3, chapter 126, Laws of 1972 ex. sess. and RCW 84.36.380; and prescribing an effective date.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Durkan, additional sponsors were permitted on Senate Bill No. 2972.

SENATE JOINT RESOLUTION NO. 139, by Senators Sellar and Canfield:
Amending the Constitution to establish a state pay board.
Referred to Committee on Constitution and Elections.

MOTION

At 1:50 p.m., on motion of Senator Mardesich, the Senate recessed until 3:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:05 p.m.

MOTION

On motion of Senator Odegaard, Senator Stortini was excused.

SECOND READING

SENATE BILL NO. 2960, by Senator Durkan:
Implementing law relating to state aid for use of common schools.
The bill was read the second time by sections.

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

On page 1, section 1, lines 12 and 18, after "section" strike "4" and insert "21".

On motion of Senator Durkan, Engrossed Senate Bill No. 2960 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2960, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Francis, Greive—2.

Excused: Senator Stortini—1.

ENGROSSED SENATE BILL NO. 2960, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2954, by Senators Odegaard and Talley:

Authorizing the state highway commission to increase the amount of funds for the operation of the Puget Island ferry.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 2954 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2954, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senators Francis, Greive-2.

Excused: Senator Stortini-1.

SENATE BILL NO. 2954, having received the constitutional 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 Mardesich, Engrossed Senate Bill No. 2657 was ordered to hold its place on the second reading calendar for Tuesday, September 11, 1973.

SECOND READING

SENATE BILL NO. 2642, by Senators Durkan, Walgren and Guess:

Providing for the acquisition of parking facilities by the state highway commission.

The bill was read the second time by sections.

On motion of Senator Durkan, Senate Bill No. 2642 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2642, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senators Francis, Greive-2.

Excused: Senator Stortini-1.

SENATE BILL NO. 2642, having received the constitutional 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 Mardesich, the following bills were ordered to hold their places on the second reading calendar for Tuesday, September 11, 1973: Senate Bill No. 2603 and Engrossed Senate Bill No. 2659.

SECOND READING

ENGROSSED HOUSE BILL NO. 189, by Representative Randall:

Relating to revenue and taxation.

REPORT OF STANDING COMMITTEE

September 10, 1973.

ENGROSSED HOUSE BILL NO. 189, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, beginning with "notwithstanding" on line 29, strike all the matter down to and including "years" on page 3, line 1.

On page 3, line 2, strike all of section 2 and renumber the remaining sections consecutively.

On page 4, section 3, line 5, after "after" and before the period, strike "*January 1, 1975*" and insert "*July 1, 1974*".

On page 8, section 9, line 7, after "one-" and before "cents" strike "[half] quarter" and insert "half".

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Dore, Marsh, Peterson (Ted), Sandison, Scott, Woody.

The bill was read the second time by sections.

MOTION

Senator Durkan moved that the four committee amendments be considered simultaneously.

POINT OF INQUIRY

Senator Guess: "Senator Durkan, I was in the meeting this morning and I did not know what the fiscal impact of the final bill is with the amendments on it. What is that?"

Senator Durkan: "Actually, it is two-fold, as far as local government is concerned, by the fact that the bill does mandate or cut ten percent out of the mandated funds. That is a cutback in terms that it will be a loss in revenue to the local government on those mandated funds. I do not have the exact amount how much it is going to be state-wide but it will be ten percent of whatever that special levy would be, or that mandated levy would be in those counties, is one. And the other is the support which we "grandfather in" will depend, it is ninety-five percent of the amount of whatever the level of spending in that particular district is now."

Senator Guess: "For instance, last year we did not have a special levy. Therefore our school districts got along with about three and one-half million dollars less than they had hoped to have. Now what is going to be the impact of this bill on School District No. 81?"

Senator Durkan: "In the original bill school districts, fire districts, library districts, and hospital districts were not included within the bill. And now if you were to take the mandated levy, it will only touch those levies which are mandated by law and would not affect your school districts unless you were having a levy."

Senator Guess: "All right. Now the fire districts are having to depend very strongly on special levy and would 186 cut them by ten percent or would this bill cut them by ten percent?"

Senator Durkan: "This bill, the present amendment would affect fire districts."

Senator Guess: "And they would be cut automatically ten percent? Now will this restore the ten percent cut?"

Senator Durkan: "No, it will not. So if you wanted to restore it you would have to have an amendment to that effect, Senator."

Senator Guess: "Where would your money come from if you restored it?"

Senator Durkan: "From the property tax, the automatic levy that fire districts receive, the millage."

Senator Guess: "In other words, it would raise taxes ten percent?"

Senator Durkan: "No, this mandates a ten percent reduction in those taxing districts which originally under 186, I think was the number of the bill, automatically made the mandated cutback. That, if you will recall, is the bill that was introduced in the House and

that made the property tax cuts. This bill goes a step further and includes those districts which were not included under 186, except for the levy on mental health and retardation."

POINT OF INQUIRY

Senator Atwood: "Would Senator Durkan yield? Senator Durkan, the committee took out those two provisos on the ninety-five percent but it neglected, I think, to restore that language that was stricken and I am not sure whether we should not restore that stricken language. I had Senator Whetzel checking that to see if technically we should not restore that."

MOTION

On motion of Senator Durkan, further consideration of Engrossed House Bill No. 189, together with the pending committee amendments, was ordered held until Tuesday, September 11, 1973.

SECOND READING

REENGROSSED HOUSE BILL NO. 706, by Representative Randall:

Requiring assessors to add to the assessment list the omitted value of personal property.

The bill was read the second time by sections.

On motion of Senator Durkan, Reengrossed House Bill No. 706 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Will Senator Durkan yield? Senator, your explanation is correct and on this pink sheet it says that it requires the assessor to add to the assessment. My understanding is, just as you said, that when he finds that an error has been made or he thinks one has been made, then he is permitted to add on. It is not exactly a requirement. He is authorized to do it."

Senator Durkan: "He is authorized to do it but I think if the audit shows that the property had been omitted and it is an omitted property statute, if the audit shows that it had been omitted and by the taxpayer, then the assessor shall assess."

Senator Canfield: "He is authorized to add it. I do not have the bill in front of me but does it say he is required to or he is authorized to?"

Senator Durkan: "He shall assess."

Senator Canfield: "He shall?"

Senator Durkan: "If it is omitted."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 706, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senators Francis, Greive-2.

Excused: Senator Stortini-1.

REENGROSSED HOUSE BILL NO. 706, having received the constitutional 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 Durkan, the Senate commenced consideration of Engrossed Senate Bill No. 2657.

SECOND READING

ENGROSSED SENATE BILL NO. 2657, by Senators Clarke and Jones:

Revising appeal procedures under the shoreline management act.

The bill was read the second time by sections.

On motion of Senator Clarke, Engrossed Senate Bill No. 2657 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2657, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Gardner, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Woodall, Woody—41.

Voting nay: Senators Fleming, Grant, Odegaard, Scott, Whetzel—5.

Absent or not voting: Senators Francis, Greive—2.

Excused: Senator Stortini—1.

ENGROSSED SENATE BILL NO. 2657, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Durkan, the Senate commenced consideration of Engrossed Senate Bill No. 2659.

SECOND READING

ENGROSSED SENATE BILL NO. 2659, by Senators Atwood, Woody and Lewis (Harry):

Providing certain disability benefits for state patrol officers.

The bill was read the second time by sections.

Senator Marsh moved adoption of the following amendment:

On page 1, section 1, line 16, after "*disability*" strike the period and insert "*: AND PROVIDED FURTHER, That an officer injured while engaged in wilfully tortious or criminal conduct shall not be entitled to disability benefits under this section.*"

POINT OF INQUIRY

Senator Durkan: "Will Senator Marsh yield? What would be a wilfully tortious act?"

Senator Marsh: "A wilfully tortious act would be an assault, for example, as distinguished from simply being involved in an automobile accident which would be a non-wilful act in most instances."

Senator Durkan: "What would it be if the 'wilfully' was not included?"

Senator Marsh: "It would be simple negligence. Any time you are involved in an act involving simple negligence, such as an automobile accident, you would not be covered. And

I did not want to go quite that far. What I was concerned about was assaulting a person or some other things that we might mention."

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

On motion of Senator Durkan, Reengrossed Senate Bill No. 2659 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2659, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senators Francis, Greive-2.

Excused: Senator Stortini-1.

REENGROSSED SENATE BILL NO. 2659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2377, by Committee on Constitution and Elections (originally sponsored by Senators Grant and Stortini):

Implementing the laws relating to United States congressional elections.

The bill was read the second time by sections.

On motion of Senator Grant, Substitute Senate Bill No. 2377 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2377, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senators Francis, Greive-2.

Excused: Senator Stortini-1.

SUBSTITUTE SENATE BILL NO. 2377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2551, by Senators Wanamaker and Walgren:

Prescribing purposes for which motor vehicle funds may be expended.

The bill was read the second time by sections.

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

On page 1, section 1, line 16, after "state" and before the period insert "*including the purposes of RCW 47.30.030*".

POINT OF INQUIRY

Senator Woodall: "Will Senator Wanamaker yield? Would you explain to us what this bill does?"

Senator Wanamaker: "I was going to, Senator Woodall, as soon as it went on third reading."

Senator Woodall: "I would like to hear before. We might want to amend it."

Senator Wanamaker: "Okay, I will be glad to give it to you. This is purely a housekeeping bill which was inadvertently left out of Engrossed Senate Bill No. 124 in the 1971 Session in which, at that time, we abolished the State Patrol highway account, which is six dollars and ninety cents of your excise tax, and put it into the highway account, which it states in this same bill can only be used for highway purposes. Now we are budgeting for other purposes such as the State Patrol, state parks and other things out of this fund. So all this bill does is put the statute in conformity to the budget which we are doing."

Senator Woodall: "It has nothing to do, then, with the Highway Commission changing priorities as to commitments where there have been highways designated?"

Senator Wanamaker: "It does not even have anything to do with the Highway Commission, Senator Woodall, so there is no control in there at all."

On motion of Senator Wanamaker, Engrossed Senate Bill No. 2551 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2551, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Francis, Greive—2.

Excused: Senator Stortini—1.

ENGROSSED SENATE BILL NO. 2551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Day, Senate Bill No. 2943 was ordered to hold its place on the second reading calendar for Tuesday, September 11, 1973.

SECOND READING

SENATE BILL NO. 2944, by Committee on Transportation and Utilities (endorsed by Senators Peterson (Lowell), Stortini, Jolly, Lewis (Bob), Walgren, Mattingly, Sellar, Wanamaker, Knoblauch, Whetzel, Guess, Bottiger and Washington):

Deleting the requirement that state patrol cars be equipped with red lights.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 2944 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2944, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Francis, Gardner, Greive, Murray-4.

Excused: Senator Stortini-1.

SENATE BILL NO. 2944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2945, by Judiciary Committee (endorsed by Senators Atwood, Bottiger, Van Hollebeke, Dore, Francis, Woody, Clarke and Greive):

Making a technical correction in the law relating to the dissolution of marriage.

The bill was read the second time by sections.

On motion of Senator Atwood, Senate Bill No. 2945 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2945, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Durkan, Francis, Gardner, Greive-4.

Excused: Senator Stortini-1.

SENATE BILL NO. 2945, having received the constitutional 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 Mardesich, Engrossed Senate Bill No. 2112 was ordered to hold its place on the second reading calendar for Tuesday, September 11, 1973.

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

REPORTS OF STANDING COMMITTEES

September 10, 1973.

ENGROSSED SENATE BILL NO. 2366, relating to legislative redistricting (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Gardner, Mattingly, Metcalf, Washington.

Passed to Committee on Rules for second reading.

September 10, 1973.

SENATE BILL NO. 2387, making certain revisions in the public employees' retirement system (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2387 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

September 10, 1973.

SENATE BILL NO. 2965, making a supplemental appropriation to the Washington State Toll Bridge Authority (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Jolly, Knoblauch, Lux, Peterson (Lowell), Rasmussen, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

September 10, 1973.

SENATE BILL NO. 2967, providing for the emergency curtailment and/or allocation of electricity (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Guess, Jolly, Knoblauch, Lux, Peterson (Lowell), Rasmussen, Sellar, Washington.

Passed to Committee on Rules for second reading.

September 10, 1973.

ENGROSSED HOUSE JOINT RESOLUTION NO. 6, allowing bills introduced at a session to carry over to subsequent sessions of the same legislature (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Gardner, Stortini, Washington.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

September 10, 1973.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 446,

HOUSE BILL NO. 457,

ENGROSSED HOUSE BILL NO. 1059,

HOUSE JOINT RESOLUTION NO. 31, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 9, 1973.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 58, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2973, by Senators Woody and Francis:

An Act relating to domestic relations; amending section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205; and amending section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 ex. sess. and RCW 26.20.030.

Referred to Judiciary Committee.

SENATE BILL NO. 2974, by Senators Woody and Francis:

An Act relating to district court jurisdiction in supplemental proceedings; amending section 23, chapter 133, Laws of 1893 and RCW 6.32.230; and amending section 24, chapter 133, Laws of 1893 as amended by section 2, chapter 93, Laws of 1899 and RCW 6.32.240.

Referred to Judiciary Committee.

SENATE BILL NO. 2975, by Committee on Transportation and Utilities (endorsed by Senators Walgren, Peterson (LOWell), Knoblauch, Rasmussen, Jolly, Washington, Bottiger, Lux, Mattingly, Sellar, Lewis (Bob), Whetzel, Wanamaker and Matson):

An Act relating to local sales and use taxes imposed to finance transportation systems; amending section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045; and declaring an effective date.

Referred to Committee on Transportation and Utilities.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 58.

MOTIONS

On motion of Senator Mardesich, all bills passed today were ordered immediately transmitted to the House.

At 5:10 p.m., on motion of Senator Mardesich, the Senate recessed until 6:45 p.m.

EVENING SESSION

The President called the Senate to order at 6:45 p.m.

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

REPORT OF STANDING COMMITTEE

September 10, 1973.

SENATE BILL NO. 2132, providing for a state criminal justice commission and training center (reported by Committee on Ways and Means):

MAJORITY recommendation: That the bill be referred to Committee on Local Government with recommendation to strike references to academy locations and all appropriations.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Fleming, Grant, Mardesich, Metcalf, Peterson (Ted), Sandison.

There being no objection, Senate Bill No. 2132 was referred to the Committee on Local Government.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 446, by Representative Randall:

Pertaining to property taxes.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 457, by Representatives Bagnariol, Johnson and Gilleland:

Providing for payment for costs of relocating public sewer and water facilities located within the right-of-way of certain highways.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1059, by Representatives Perry, Rabel, Sommers, North (Frances), Fortson, Valle, Eng, Johnson, Wojahn, McCormick, Maxie and North (Lois):

Establishing the Washington state women's council,

Referred to Committee on State Government.

HOUSE JOINT RESOLUTION NO. 31, by Representatives Charnley, Brown and Perry:

Revising Article XXIII of the Constitution relating to amendments and revisions.

Referred to Committee on Constitution and Elections.

JOURNAL OF THE SENATE

At 6:50 p.m., the Senate members retired to the House Chamber to meet in Joint Session for the purpose of a joint hearing on the energy crisis pursuant to House Concurrent Resolution No. 58.

JOINT SESSION

(see House Journal)

The President called the Senate to order at 8:30 p.m.

MOTION

At 8:30 p.m., on motion of Senator Keefe, the Senate adjourned until 1:30 p.m., Tuesday, September 11, 1973.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FOURTH DAY**AFTERNOON SESSION**

Senate Chamber, Olympia, Wash., Tuesday, September 11, 1973.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Stortini. On motion of Senator Washington, Senator Stortini was excused.

The Color Guard consisting of Pages Terri Wilderman and Tyler Brooks presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR HEAVENLY FATHER, WE THANK YOU FOR YOUR GIFTS OF WISDOM AND FOR THE GOOD DESIRES YOU PUT IN OUR HEARTS. WE ASK TODAY YOUR PARTICULAR BLESSING UPON THE MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON AND THE WORK THEY DO ON BEHALF OF ALL THE PEOPLE OF OUR STATE. GIVE THEM A HUMBLE AND JOYFUL SENSE OF SERVANTHOOD, OUR FATHER, AND KEEP THEM FREE FROM ARROGANCE AS THEY REMEMBER THAT YOU ARE THE JUDGE OF ALL MEN AND THE RULER OF A UNIVERSE. ILLUMINE THEIR MINDS WITH THE LIGHT OF YOUR TRUTH: WARM THEIR HEARTS WITH A MEASURE OF YOUR LOVE: GIVE THEM COURAGE AND FAITH IN THEIR EFFORTS TO IMPROVE THE WELL-BEING OF ALL OF OUR PEOPLE' MAY THEY NOT TIRE OF SEEKING AFTER GOODNESS OUR FATHER AND IN YOUR GOOD TIME WE PRAY THEY MAY KNOW SUCH SUCCESS IN THEIR EFFORTS AS WILL BRING THEM A JUST REWARD. HELP US EACH DAY TO STRIVE FOR JUSTICE, MERCY AND WISDOM FOR AS WE ATTAIN THESE, WE DRAW CLOSER TO YOU AND BECOME AS YOUR CHILDREN. GLORY BE TO YOU, O LORD GOD OF THE UNIVERSE. WE PRAISE YOUR NAME THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

September 11, 1973.

SENATE BILL NO. 2132, providing for a state criminal justice commission and training center (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2132 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Connor, Gardner, Jolly, Lewis (Bob), Lux, Murray, Sellar, Talley, Whetzel.

Passed to Committee on Rules for second reading.

September 11, 1973.

ENGROSSED HOUSE BILL NO. 785, increasing the minimum wage (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Woody.

Passed to Committee on Rules for second reading.

LETTER OF INFORMATION

September 11, 1973.

HONORABLE MEMBERS

WASHINGTON STATE SENATE

GENTLEMEN:

The Senate Judiciary Committee has considered the veto messages of Senate Bill 2502, the implementing legislation for HJR 61, and the full veto of Senate Bill 2084, relating to retirement credit for judges pro tem. It is our recommendation that no action be taken with regard to these vetoes.

Sincerely,

Signed by: PETE FRANCIS, Chairman
Senate Judiciary Committee

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2976, by Senator Stortini:

An Act relating to revenue and taxation; amending section 84.40.020, chapter 15, Laws of 1961 as amended by section 35, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2977, by Senators Guess, Washington, Walgren and Whetzel.

An Act relating to motor vehicles; and amending section 46.37.390, chapter 12, Laws of 1961 as last amended by section 1, chapter 135, Laws of 1972 ex. sess. and RCW 46.37.390.

Referred to Committee on Transportation and Utilities.

There being no objection, additional sponsors were permitted on Senate Bill No. 2977.

SENATE BILL NO. 2978, by Senators Murray, Washington and Talley:

An Act relating to marine pollution; and adding new sections to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW.

Referred to Committee on Ecology.

MOTION

Senator Bailey moved that Senate Bill No. 2603 hold its place on the second reading calendar for Wednesday, September 12, 1973.

Debate ensued.

The motion by Senator Bailey carried. Senate Bill No. 2603 was ordered to hold its place on the second reading calendar for Wednesday, September 12, 1973.

SECOND READING

ENGROSSED HOUSE BILL NO. 189, by Representative Randall:
Relating to revenue and taxation.

The Senate resumed consideration of Engrossed House Bill No. 189, the committee amendments having been moved for adoption on Monday, September 10, 1973.

MOTION

On motion of Senator Durkan, Engrossed House Bill No. 189 was made a special order of business immediately following consideration of Senate Bill No. 2967.

SECOND READING

SENATE BILL NO. 2943, by Committee on Social and Health Services (Endorsed by Senators Day, Van Hollebeke, Twigg, Clarke, Jones, Murray, Keefe, Woody and Herr):

Implementing the laws of licensing renewal fees of certain professions.

The bill was read the second time by sections.

Senator Day moved adoption of the following amendment:

On page 5, line 4 after the period, insert "if a said fee is so paid then the said certificate shall allow the holder thereof to fit and dispense hearing aids, notwithstanding the provisions of any other chapter of Title 18 RCW."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President and gentlement of the Senate, this amendment which is an identical amendment which will occur three places in the bill exempts from the hearing aid licensing act osteopathic physicans, M.D.'s and optometrists. Now you will note that in many areas the optometrist, for example, has been fitting hearing aids in conjunction with the fitting of glasses, as have ear, nose and throat specialists, and I understand there was one osteopath here doing it. I do not know whether he is now or not. Nevertheless I feel that in this particular competent area that they should not have been included in the mandating of a license to fit hearing aids. So what this will do is to exempt them from that particular statute that requires that other people who are nonprofessionals in this particular area have a separate license."

POINT OF ORDER

Senator Newschwander: "Mr. President, a question of scope and object of this amendment. As I read this bill, this bill is totally a licensing revenue bill and here we now have another subject in my estimation, so I would like a ruling on scope and object of this amendment."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, speaking to the scope and object issue, the title of the bill is 'An Act Relating to professions.' It does deal with renewal fees for those professions but it also deals with other criteria relative to those fees and what this does is amend the criteria relative to the fees. The amendment again says 'If said fee is so paid, then the said certificate shall allow the holder thereof to fit and dispense hearing aids, notwithstanding the provisions of the other chapter.' So it is tied directly to the payment of the fee. I believe it is a proper amendment."

POINT OF INQUIRY

Senator Clarke: "Will Senator Day yield to a question? Senator, am I correct in assuming that the purpose of your amendment relates exclusively to the requirement of the license fee and it would in no event permit the fitting of hearing aids by a person not presently legally entitled to so fit?"

Senator Day: "That is correct, Senator Clarké, and the reason for the amendment is to avoid the duplication of licenses and licensing fees by these professional people relative to the fitting of hearing aids. After the hearing aid bill was passed last time there seemed to be some question as to whether they have to then pay two fees and have two licenses, so what I am trying to do here is to correct that, what I feel was an incorrect thing that we did in that other act."

POINT OF INQUIRY

Senator Canfield: "Will Senator Day yield? Senator, as I was talking to you yesterday, I had a specific case which I think you properly covered under this bill where an optometrist told me that in order to put these hearing aids in the glasses which he was prescribing that it cost him, I believe he said, one hundred or on hundred and twenty-five dollars extra license fee. He told me that he simply, for the very few cases that he fitted, he is in the glasses business, not in the hearing aid business, just could not afford to take on that kind of service. And I just wanted to be sure that this does cover the licensed optometrist so I can properly inform this man."

Senator Day: "Yes, sir. One of these is an amendment to the section relative to optometry."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Day would yield to a question? Senator Day, have you checked this with the hearing aid association here in the state of Washington and have they approved it? I see no evidence of their interest and it looks like you are adding additional competition. What is their viewpoint?"

Senator Day: "I do not know what their viewpoint is and frankly I do not really care."

Senator Lewis (Harry): "I care, Senator Day."

Senator Day: "If you will let me finish answering the question, the reason I do not is because we are not modifying any existing practice. Optometrists have been fitting glasses with hearing aids in them for some time. It is my understanding ophthalmologists have been doing the same thing and there has been one osteopathic physician who has been doing that. They are fully qualified to do so and have been, and then along comes a statute that says that anybody who fits a hearing aid must have an additional license. All this does is say that when the individual practitioner who has his license pays the fee for the license, that then he is not covered by the new RCW which regulates hearing aid salesmen. So I think that is an obvious error on the part of the legislature. It was never our intent in passing a hearing aid fitting and selling law to encumber professional people who have been doing this for a great length of time and who are fully qualified to do it. The idea of passing a hearing aid licensing act was to make sure that people who did nothing but sell hearing aids and had no other qualifications had qualifications to protect the public in the sale of a hearing aid, and that is exactly what we are continuing to do. We are just saying that if a physician has a license, pays his license renewal fee, then he does not have to in addition have a hearing aid fitting license and pay an additional hundred dollar fee."

Senator Lewis (Harry): "Senator Day, I appreciate your explanation but this bill has been worked on, I understand, for awhile. Is this a last minute amendment? What I am wondering is, does it involve the hearing aid people, because you have just said that it expands to some extent those people who have not been customarily doing it? It seems to me that they should have a voice and I think Senator Francis's point is well taken."

Senator Day: "That is exactly not what I said. I did not say this expanded it to let anybody who had not been fitting hearing aids fit them. What it does is correct a technicality in the law where under the present statute we passed last session, it stopped physicians from fitting hearing aids who had been fitting hearing aids, and I do not think that was the intent of that and all this does, it was brought to our attention so we thought this was an opportunity to correct it. I think that the body should clearly understand that there is no attempt here to do anything divisive except to eliminate the double license

requirement for physicians, optometrists and osteopaths in the fitting of a hearing aid. Now if you object to that then I think you should vote against the amendment.”

POINT OF INQUIRY

Senator Greive: “Would Senator Day yield to a question? Senator Day, would you have any objection to holding this over until tomorrow and I will tell you my reason. As I look at this particular measure I think it is the practice, at least of the one osteopath that at one time did it and of all the doctors I know, to write a prescription to a hearing aid dealer and he fits the hearing aid. They do not fit the hearing aid themselves. When we passed the bill for hearing aids, we did it with the idea that people would have certain expertise when they fit these hearing aids. Now I am not at all sure, while I thought the amendment was fine yesterday when you talked to me about it, now as I listen to your discussion I am not at all sure but what you are going to let optometrists, osteopaths and M.D.'s who may not know the slightest thing about the mechanical device known as a hearing aid, but who may be very competent to test hearing. If you are not going to exempt all of these people, and I think they should know something about the mechanical device as well as everyone else so I would like, at least for myself, to have a chance to look and see exactly what this does.”

Senator Day: “If that is the concensus of the body that is fine, but I cannot imagine for the life of me any one of these professional individuals fitting a hearing aid if he is not competent to do it. He would refer, except in the instance where you are way out in the boondocks someplace where we have some optometrists that do the whole job, but I just cannot imagine in a populous area any one doing that type of work when he specializes in something else. He would refer. But I do not think it is the proper thing to expect a professional person who has the competency to measure hearing and do all the rest of it to then pay a one hundred dollar a year license fee just for the purpose of fitting a hearing aid.”

MOTION

On motion of Senator Durkan, Senate Bill No. 2943, together with the point of order as raised by Senator Newschwander on the amendment proposed by Senator Day, was ordered to hold its place on the second reading calendar for Wednesday, September 12, 1973.

SECOND READING

ENGROSSED SENATE BILL NO. 2112, by Senators Canfield, Keefe, Sandison and Woodall (by Joint Committee on Higher Education request):

Implementing state patrol retirement act.

The bill was read the second time by sections.

On motion of Senator Canfield, Engrossed Senate Bill No. 2112 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2112, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Stortini—1.

ENGROSSED SENATE BILL NO. 2112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2967, by Senators Walgren, Bottiger and Guess:
Providing for the emergency curtailment and/or allocation of electricity.

REPORT OF STANDING COMMITTEE

September 10, 1973.

SENATE BILL NO. 2967, providing for the emergency curtailment and/or allocation of electricity (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 7, section 3, after "governor" and before the period insert "to serve at his pleasure".

On page 2, line 8, section 3, after "members" strike ", so appointed,"

On page 2, line 11, section 3, after "one member" strike ", so appointed,"

On page 2, line 30, section 4, after "procedures" and before the semicolon insert "of electric power usage".

On page 3, line 3, section 4, after "compliance with" and before "orders" insert "and effectiveness of".

On page 3, line 12, section 5, after "procedures" and before "must" on line 13 insert "of electric power usage".

On page 5, line 8, section 8, after "exempted" and before "from" insert "by the governor".

On page 5, line 6, section 8, after "hereunder" strike "and" and insert "or".

In line 1 of the title, after "Relating to" strike "the curtailment and/or allocation of the usage of".

Signed by: Senators Walgren, Chairman; Guess, Jolly, Knoblauch, Lux, Peterson (Lowell), Rasmussen, Sellar, Washington.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendments were adopted.

On motion of Senator Walgren, the following amendment was adopted simultaneously with the committee amendments to page 2:

On page 2, section 3, line 9, after "one member" strike ", so appointed,"

On motion of Senator Walgren, the committee amendment to the title was adopted.

POINT OF INQUIRY

Senator Woodall: "Would Senator Walgren yield? Senator Walgren, sometimes when people have a desirable end in mind they sometimes in their haste do some things that are perhaps not correct. Has anyone briefed legally the question? Can we pass a law now which says that anyone who disobeys something that the Governor might order sometime hence becomes a gross misdemeanor? Has anyone briefed that question? Can we pass a statute that says, 'Today we are saying that whatever the Governor might decree three months from now becomes a gross misdemeanor if I do not obey him'? Has that been briefed?"

Senator Walgren: "The order that he would enter would become effective today. It might relate to something into the future and we are providing that if there is a violation of the order of the Governor by this delegation it is a crime, and I think we do have that power. Now as to whether or not anybody has specifically briefed that question, I cannot say that they have. We have, of course, been in contact with numerous attorneys in connection with the preparation of this act and, while I cannot say that that specific question was raised, we certainly have talked about this authority that is being given to the Governor."

Senator Woodall: "Normally the Constitution says that crimes are defined by acts of the legislature. And now we are delegating, with this particular bill, a power to one man to make law and anyone who disobeys him we have foreordained is guilty of a gross misdemeanor. And I am just asking a question again, has anyone checked into the constitutionality? Can we as a legislature delegate to one man the power to make criminal statutes?"

Senator Walgren: "We are talking here, Senator Woodall, about certainly some extraordinary emergency powers that the Governor will have. We are doing this under the police powers of the state of Washington and I think it becomes a question of fact at the time that the trial was brought on the criminal charge as to whether or not there was a violation. And that would be something for a jury or a judge to determine."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, Senator Woodall, I think we can. I think we do it fairly regularly. A statute provides that a violation of an order issued by the Director of Agriculture shall be a misdemeanor or a gross misdemeanor. Violations of the rules and regulations of the Liquor Control Board are misdemeanors or gross misdemeanors or in some cases felonies. Now if you go to the point of one man on a regulation he might pass in the future, I think that it is possible under the police power and the extraordinary kind we are talking about here."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Senator Bottiger, you are clear off base when you say that the Liquor Board can make felony statutes. Now that is just clear one hundred percent erroneous. It is not a statement of fact at all. Now the Liquor Board can make rules and regulations by which a licensee may lose the privilege of being a licensee but nowhere can the Liquor Board make laws making certain things felonies."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Walgren yield? Senator Walgren, I am in support of this act but I am concerned about the position of an individual or a business or a corporation that might suffer under an arbitrary or capricious act and my question is, does this measure in any way preclude the right of such individual, business or corporation, to sue the state in the event of a need in that regard as a result of this act?"

Senator Walgren: "There are two types of suits that you might be referring to, Senator Lewis. One would be an action in damages to obtain compensation for any wrongful acts of the state. This does not preclude that as far as a regular action through the courts. What we do in this act, of course, is to provide for some emergency determinations by a person who feels himself aggrieved from any of the orders or determinations made by the committee and the Governor so that he can make an immediate appeal to the Supreme Court. We have given the Supreme Court of this state original jurisdiction in this matter so we can get an early determination."

Senator Lewis (Harry): "And that is the clear legislative intent so if, for example, we were to cause a man directly to lose his business because of the requirements of this statute or the implementation of it, and that were determined by the courts, that he would have recourse to the state?"

Senator Walgren: "He would have the right to bring an action against the state of Washington."

Senator Lewis (Harry): "Fine. Thank you."

POINT OF INQUIRY

Senator Woodall: "Further, I would like to inquire, there are certain firm contracts that certain power suppliers make and which are the basis of certain industries coming into a certain town, certain community. They are guaranteed a certain amount of firm power. Can a company be ordered by executive order (sic) to deliver less power than they have entered into a long-term contract to deliver, and what are the contractual rights and responsibilities if they conform, if they are going to be penalized criminally if they do not conform?"

Senator Walgren: "I believe, under the police powers of the state that under a properly executed order of the Governor they indeed can be ordered to cut back on their power delivery to a particular user."

Senator Woodall: "Then it is your construction that although a certain power company entered into a contract with a certain industry, let us just say Del Monte, to bring them to Toppenish, Washington, and they said, 'We guarantee you so much power'. They have to have it to can and so forth. All right, now it is your construction that if the Governor says, 'Deliver them less than you agreed five years ago to give them,' that lets the power company off the hook if the cannery says, 'We lost this or that by you not giving us what you promised us in writing to give us'? It is your construction that the acts of the Governor excuse the contractual rights of the parties?"

Senator Walgren: "If it is a proper determination that this is an emergency under the provisions of this police power delegation of authority act."

POINT OF INQUIRY

Senator Matson: "Would Senator Walgren yield? Senator Walgren, would I be correct if I said the legislative intent of this bill is authorizing and empowering the Governor to curtail and allocate electrical power use and electrical power use only?"

Senator Walgren: "That is correct, and that was the reason for those other amendments that we placed therein."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "I might just make one comment, that the main thrust of the bill is going to be against the user rather than the supplier. The supplier, if he was under, for instance, a supplier which could be governed by the laws of the state of Washington, would also be bound by it. But if, for instance, we do not have any right to direct to the Bonneville Power Administration. So this law, in order to be effective, is directed at the user. In other words, it is not violating the contract. You are just telling the user that under the police power you have to be cut back a certain amount, and it will not, in that event, be violating the contract."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "As I understood at the hearing over in the House chamber last night, this matter was referred to by Mr. Hodel who is the administrator of the Bonneville system, and I understood him to make this remark, that if you do not have the power you cannot fulfill the contract. Just that simple. If you have not got it, you cannot deliver it. Now I do not know what the legal aspects of that might be, but if you have not got it, you cannot deliver it."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I can answer that. Acts of God excuse nonperformance. I happen to entertain a doubt if acts on the second deck quite rise to that degree of dignity."

REMARKS BY SENATOR WALGREN

Senator Walgren: "No rebuttal to that, Senator Woodall.

"Mr. President and members of the Senate, I think that we have to recognize that we have two matters of very great importance here in connection with the act that we are discussing this afternoon. We do indeed have a power shortage and this power shortage could indeed be disastrous. The existing laws, or rather the lack of laws that we have on the books might prevent us from taking the appropriate action to prevent a power system failure. I think, and many of the people who worked with this particular measure as we were preparing it, believe that this might very well be one of the most important, if not the most important, measure that we will have to face during this mini-session. As I say, there is no

doubt that we have a current power shortage right now. As a matter of fact, testimony was that the shortage that we have is equivalent to all the power that the city of Seattle would utilize during a twenty-four month period. That is, if we shut down all the lights, all the power, everything of an electrical nature in the city of Seattle for two full years, that would equal the current shortage of power. The problem, of course, is simply one, an act of God, that is the fact that we do not have any rain coming into the areas that generate the power for us in the state of Washington.

"Just a few very quick statistics. The snowfall throughout the area referred to is about seventy percent of the normal of last winter. Precipitation at Revelstoke, British Columbia, which is representative of the upper Columbia River, has been twenty inches during a time that it should have been thirty-seven inches. The runoff measures at The Dalles for the first six months of this year was seventy-million acre feet. Last year by comparison the runoff in a comparable period was over twice that much. One hundred and fifty million acre feet. And normal operating level of the Pacific Northwest reservoirs is forty-five billion kilowatts. And on September 1 of this year those reservoirs were short fifteen billion kilowatts. So that is a shortage of about seven percent now, and very realistically we have determined from the evidence that has been presented to us that it could go to thirty percent by next March unless conservation measures are taken and unless we provide for some possibility of what could occur in the future. In fact, I think we have an emergency right now. It is not a matter of trying to prescribe that there is going to be an emergency in the future.

"So it is up to us and our responsibility, it seems to me, for the legislature to take all possible steps to diminish the results of this emergency and I think to do otherwise would be a basic fault of ours during this session. This bill, Senate Bill No. 2967, would for the first time in our state's history, give the Governor authority to take action under the police powers of the state before the emergency happens. Now this is a serious power to give the Governor and it was not taken lightly when we made this recommendation to this legislature. No action by the legislature, however, in face of the emergency that we have had discussed with us and presented to us by evidence, would be a far worse and more disastrous act, it seems to me.

"This bill will establish a five-member committee to gather information and make recommendations to the Governor and to advise the Governor when such plans and procedures require execution and advise him with regard to the allocation and curtailment programs that would be aimed at the consumers of the electricity. It does not set up any guidelines and it does not provide who will receive the allotment and who will make it. This will be a determination solely upon recommendation of the committee to the Governor.

"The point is, we cannot allow our power system to have a failure. The bill is an emergency one. It will end on the thirtieth day of June, 1974. All powers conferred under the act will terminate at that time.

"Now many of us have been involved in preparation of this bill here in the Senate, our committee. The House committee has been working with us. We have had a select committee working during the summer. We have heard an awful lot of evidence and we are convinced that this is a proper act that should be enacted by the legislature at this time."

POINT OF INQUIRY

Senator Atwood: "Would Senator Walgren yield? Senator, I agree with everything you say. I will probably vote for the bill, but it really disturbs me in that section 5. Actually, we are giving the Governor a power that we have never given him before except in the Constitution, an emergency war power, and things like that. My question to you is this. I know that you have not had much time to deal with the problem, but is the committee going to continue to function, first, between now and January?"

Senator Walgren: "The answer is yes."

Senator Atwood: "Secondly, is the committee going, and I am talking about your Energy Committee, I am not talking about the committee in the bill, to have something ready in the way of guidelines and parameters and priorities for the January session so that we can circumscribe this power that we are giving to one man, regardless of how great he may be?"

Senator Walgren: "Yes, Senator Atwood, We recognize that this bill, and I want to emphasize it, is drawn for an emergency situation now. This is only a short-time solution. Hopefully, these powers that are given to the Governor will not have to be put into effect if we have some conservation efforts on the part of the people. But it will not answer the long-term problems that we are going to be facing in the energy shortages ahead, not only with electrical power but with the petroleum industry and so on, and so I think it is incumbent upon us to come back to the legislature in January and present the parameters and the criteria that you are speaking of."

Senator Atwood: "I would be hopeful that you would have it ready."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President and gentlemen of the Senate, I reluctantly am going to vote for the bill because I recognize the emergency. I think it is for the short-term period, but I think that the problem is going to get much worse in the next four or five years, after listening to the testimony last night. But I would hope that your committee would come with some good guidelines and parameters on this type of power that we grant to the Governor or to any other person and that will allay some of our fears in this matter."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President and members of the Senate, I want to endorse the words by Senator Walgren and to say that I have the highest regard for the work that the committee has done, the testimony that has been organized by the staff and for the presentations that have been made before that committee. The thing that bothers me is that right now we have got several thousand candlepower of light coming down on our heads when we really do not need it and when we come down here in January, I would predict that we will be working by a sixty watt bulb instead of the ten thousands of watts that we are working by now.

"In talking with the mayor of the city of Austin, Texas the other night in order to determine what he had been able to do there on a voluntary basis, I came to the conclusion that, and his statement was that the people are very, very slow to react, and I would agree that unless we can do something here as a body to impress upon the people of the state of Washington and the other states in this region, then we are going to suffer a power failure if we do not take the necessary drastic measures to do so. So I would say that it behooves each of us to do what we can when we go home to convince the people in our communities that this is a serious situation. It is not something that will go away when you just forget about it. When we go home we should take an active part in trying to get something done. I am as reluctant as any man on this floor to grant the powers that are being granted, but I think that this is a part of the democratic process. Nobody except the Governor can stay over here all the time to exercise the powers that are being granted by this bill and it is absolutely necessary that we give him the competence as the leader of the state and we will have to depend on him to take all due caution and exercise good judgment in seeing that the bill is properly administered.

"Now I have had some very good comments from the remarks that were made by Senator Mardesich the other night that for all power over a certain base level that the cost of it or a tax on that power be levied to the point that it really makes the people think about it. It is too easy for those who are affluent to say, 'Oh, well, I will just pay the bill,' or those agencies that can pass it on to the consumer say, 'Well, this is just a cost of doing business and we will pass it on in the price of our goods.' The people have got to realize that this is a serious thing, that we cannot restore the lack of water and we are going to have to take the drastic step."

POINT OF INQUIRY

Senator Fleming: "Would Senator Walgren yield to a question? Senator Walgren, I am not on your committee and I have not been in on most of the hearings. I did sit in on most

of the hearing last night and there was conversation about the difference in the amount of electricity and power that is used by commercial, industrial and residential, and someone alluded to the fact that whether they had discussed whether certain percentages right across the board would be used for taking out of industry, industrial, commercial or residential. My concern is one of the same concerns that Senator Guess indicated, that in some of these industrial areas or commercial, if there are fines they might tend to ignore them, pay them, issue them on to the customer; and the resident, the more affluent, might ignore them or either they have more modern appliances and so forth to use this. Now in your testimony and maybe people from the Governor's office and so forth, had they talked in terms of how they might envision this if it were mandatory and not voluntary, how it would be equally put across the board whereas that those people that are using less electricity, not having modern appliances, would have to give up their electricity while others would still use their modern appliances?"

Senator Walgren: "Senator Fleming, this is, of course, a very serious part of our discussion, as to how to actually make the determination who is going to be cut out, when it is going to be cut off and so on. We talked at one time about putting some language in the bill that would actually express an intent on our part that the committee would recommend and the Governor would accept only those recommendations that would have the least amount of economic impact upon any particular segment of society. You start actually, and this is what Senator Atwood is talking about. There just was not enough time to try to put that together. These are some of the things that we will hope to come back with in January for our long-term program. I think we have to acknowledge the fact that when the Governor, who will have this authority, is sitting down there taking the recommendations from his committee, he is the one who will have to make that determination. And there are going to be some political concerns in his mind as he is going through this. As I think Senator Mardesich said, it would probably be easier to cut back on residential users, for instance, as opposed to industry users. But the other point was, but that might not be the political thing to do. So we feel that the powers are pretty significant but the very fact that they are significant may be the constraint that the Governor will utilize in making these determinations."

Senator Fleming: "Thank you, Senator Walgren, and I would just like to add that those are some of the concerns that I have, but I will look at it the other way, and when you are talking in terms of political, it might be a little easier to let the big boys get by and the little people in the residential areas be the ones who have to cut back and this is a grave concern of mine. It is a far-reaching measure."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, the concern expressed by Senator Fleming is one I think that we all share. I think we should note here though that the residential area is the least possible to cut off because there is one switch and it takes out all of that residential area. It takes out the traffic signals, the hospitals, the kidney machines. The whole thing goes down. So the concern that has been expressed, I think, is the least likely to occur. The residential areas are using, I believe, about thirty-one percent of the power. In those areas the voluntary curtailment is about the only one that can work. The cuts will have to be made in the commercial and industrial area because that is where the single switches on the single plants are. And here again we would hope that the committee and the expression from the Governor's office was that the least economic impact of the entire state would be the proper course to go. You cannot cut out the caustic industries because with that goes all the pulp industries. They must have the produce from the chemical plant to make the pulp. So this committee is going to have a difficult task and hopefully we will be back in January with some better ideas on how there ought to be guidelines."

Senator Peterson (Lowell) demanded the previous question and the demand was not sustained.

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President and members of the Senate, along with the other expressions that we are giving very strong power to the Governor, I certainly agree. But the power that we are giving him is not only to help take care of a problem in the state of Washington, but also to take care of a regional problem. And we are not necessarily acting by ourselves, although I do want to say that the state of Washington is taking the lead in solving a problem which really is of regional import because all of the states of Oregon, Washington, Idaho and Montana are going to have to work together. They are going to have to do it this Fall if we are going to be able to stop the power curtailment and the blackout that is threatened. I do want to point out that, although we are giving strong powers, last Wednesday a group from four states, which included the leaders of this legislature, leaders from Oregon, Washington and Idaho, that is the legislative leaders, and the legislators who were the chairmen of the committees that would be handling this type of legislation, along with the Governors' representatives, did agree that the eight principles that are found in this legislation would be necessary to solve this regional problem. They approved it and I have every hope that the state of Oregon in particular, and the legislative leaders from Oregon indicated that they were going back with the idea if they found that the Governor did not have the executive power to do what we are doing here by legislation, that they would work to have a special session called so they can do the very same thing that we are, because they recognize that it is going to take executive action by the Governor in order to do it. So, again, we are giving strong power to our Governor, but I predict that the other four states are going to have to do the same thing.

"Last night it was pointed out that why does not the federal government do this particular job? I think the Council of State Governments, which is the agency that all fifty states support, is doing the right thing in trying to get four states to start to do something and do it on the state level rather than waiting and calling for the federal government to do it. This is an experiment. As a matter of fact, as far as we know this is the first effort on the part of states themselves to attempt to develop some relatively uniform legislation that they would themselves enact which would then make it not required for the federal government to step in and do the same thing.

"So this is a somewhat historic step that we are taking in that we will be the first state, if we enact this, to enact uniform types of legislation that other states will probably act to solve a problem rather than relying on the federal government to do it."

POINT OF INQUIRY

Senator Canfield: "Would Senator Walgren yield? Senator, I think this measure has got to be passed, but I am thinking of the objections of Senator Woodall and the remarks just now made by Senator Washington. Now I know in many cases the Governor has made emergency allocations of money. He has done that upon prior authorization, subject to the approval of a select committee. I am wondering if this measure could not eliminate some of the objections that have been raised by having a committee of legislators to whom the Governor would speak and receive their recommendation and approval. Then he could act and the legislature would not have to meet, but at least we would have a handle on the action and we would get away from this sort of a dictator complex that I think Senator Woodall is worried about. Would you have any objection to that?"

Senator Walgren: "This has been considered. You might note that there will be two legislators serving in an ex-officio capacity with the committee. The Chairman of the House Committee on Transportation and Utilities and the Chairman of the Senate Committee on Transportation and Utilities. They will not have a vote on that committee, but they will be serving with the committee that will be making recommendations to the Governor. Now frankly, I personally would not like to be in the position to try to make the determination as to who was going to get the power and who is not going to get the power. I think it would be very difficult. Certainly if we were to do it on a legislature size of a committee. A smaller committee might be easier, but because of the emergency nature of the situation for the limited duration of this act, I think we should place it in one man."

Senator Canfield: "It would not be much harder, Senator, for the Governor to contact you and a number of other responsible legislators than it would to contact some of his staff or here and there."

Senator Walgren: "As I say, we will be sitting in with the committee so that we will have the input when we come back here in January."

POINT OF INQUIRY

Senator Woodall: "In the first place, of course, sitting in ex-officio does not mean a thing. Senator Keefe and I are sitting in ex-officio on the Gambling Commission. We have not scored a point yet. So that does not mean a thing, sitting in ex-officio without vote. It is a fraud and delusion.

"I would like to ask one question of Senator Walgren. Would it be possible under this bill as now written, in the absence of any guidelines, to order, for example, that I turn off my TV but a certain animated sign, for example, would still have a right to go? Now is that power being given? Is there any guideline or does he have the sole power to suggest in his mind what is and is not economic impact and what is and is not first priority?"

Senator Walgren: "I believe that he does and when he makes that decision he is going to be wrong. As a matter of fact, when he makes any decision under this act he is going to be wrong. And that is going to be the tough problem for him to answer."

POINT OF INQUIRY

Senator Talley: "I wonder if Senator Washington would yield to a question? Senator Washington, we recognize you as an authority on power generation and PUD's and power companies. Has there been any attempt by any of the PUD's or private power companies to get any emergency power through their own efforts? I know Portland General Electric in Oregon has got two oil-fired generators being put in along the line. They are doing something. Are our PUD's and private power companies sitting back and hollering for rain? That is all they seem to be doing."

Senator Washington: "They do have more steam generation in Oregon. We have a very small amount. I think there is one small plant on Lake Union and Puget Sound Power and Light has one at a place called Shuffelton. Now they are very small plants. They are very inefficient. However, they are in a position to attempt to get power from them. The PUD's and all of the private power companies are stuck with just the pure fact that over ninety percent of the power in the state of Washington comes from stream flow. It just is not here. If we could buy all the oil in the world and have it here, but we do not have that kind of generation. It would not help. We have got to have rainfall."

Senator Talley: "Portland General Electric at home is building these two plants. They are not old plants. These are brand new plants that are being built right now, and they will produce power for about eight and one-half mills."

Senator Washington: "There will be efforts to, there are efforts being made to produce atomic energy, for instance. The Public Utility Districts of the state of Washington and the private power companies have joined together. They have joined together and have built a good steam plant at Centralia. So I think the power industry in the state of Washington, including the public and private, are attempting to, as is the Portland General Electric, to get other than water generation. Now Portland General Electric has to do it because they have no dams. They have practically no hydro generation at all as far as Portland General Electric is concerned. They have been forced to attempt to go into the fossil fuel and oil fuel for their power."

Senator Talley: "Another point. I heard some comment, Senator Washington, that maybe we would make our Governor the executive rainmaker for the state, too."

Senator Washington: "Again, I share many of the fears that have been expressed here, but the thing that I do want to point out is that this is an unprecedented emergency. It absolutely is unprecedented. No power company executive or Bonneville could foresee what was going to happen. There is just no way out of it and other states, for instance Oregon, passed a bill that really probably will not solve the problem. They are giving almost

complete dictatorial power and for a long time to a single Commissioner of Public Utilities. I think it is better that we have the Governor, who is an elected official, have those powers than the single executive who is the Commissioner of Public Utilities. It is just one of those things that we are not going to be able to solve, I think, any other way. The important thing is that this legislation has a termination date. And I think, as someone else mentioned on this floor, the essence of democratic action is that we do have the power to give extensive powers to a single individual, but we also have the power on this floor to take it back and this, I think, is the important thing."

REMARKS BY SENATOR MATSON

Senator Matson: "Just an observation. At the pace we are going here, by the time we pass the bill the crisis may very well be over."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I had not intended to speak, but Senator Walgren's reporting was almost as bad as some other that I have seen on occasion. He made the comment that I had proposed that consumers should be cut. He did not finish the rest of the sentence, however. So with that I thought I had better explain a little bit.

"I first of all agree that this measure gives far too much power to the Governor. I do not think any of us dispute that. It is obvious. Too much power. Further than that, and that bothers me, but further than that the problem with this bill is that the only alternative that the Governor has is to pull the switch on the big company who refuses to cooperate. He can do nothing, as has been explained, about the power in the homes and the average little business because they are on all those lines out in the neighborhood. So he has to go directly to the big businesses. And take the classic example, that is the aluminum companies. There is no more interruptible power. They have already cut down on their employment because interruptible power is gone. And it follows that the Governor will have to direct those people to cut back on their power use and from that it further follows that people will have to be fired to accommodate to the lack of energy. Well, that is the thing that I was seeking to avoid with my proposal. My proposal was that rather than just go to the aluminum companies and to the other big users, that rather we impose, if as has been indicated a seven and one-half to eight percent cut in power is necessary, that we impose a straight five percent across the board cut on all users with the exception of the extremely small user. You could set aside someone who uses five hundred or one thousand kilowatts as being negligible in the total effect and someone who would be using so little that all you are talking about is a couple of light bulbs. Cut them out and apply it to everyone else over a certain consumption level. What do you do? The thing that you have to eliminate is the voluntary aspect of this thing. You cannot convince me where I have a sixty dollar electric bill for a two month billing period in Everett that if you are going to tax me ten percent or raise my bill to sixty-six dollars or three dollars per month it is going to convince me that I should turn around and turn off that light switch every time or turn the heat down a little on the water or make the shower a little shorter, as the Governor suggested. If it is not going to do it. It takes something more. What you have to tell me is that if my average consumption for every month, or for the month of September, let us say, was one thousand kilowatts, now you tell me you only get to use nine-fifty, at the rate you are now paying, any more than you pay a tax on. That extra fifty kilowatts that I would use over nine-fifty, two dollars a kilowatt, not one mill. And brother, you have convinced me. All of a sudden I can assure you that lights will be off when they do not need to be on, the heat will be down a little, the TV will not be on and if the kids do not do it, there are going to be some sore knuckles around. And that is the point we have to bring home and that is the only way we can solve this problem without causing people to be out of work, causing serious consequences for a lot of people.

"Now the question has been asked, and let me repeat again, when I say that I think it should be not only done for the home but for J. C. Penney and for the Seattle First National Life Building with all those beautiful lights on, for every power user in the state,

for Kaiser Aluminum, anyone else. And five percent. Each and every one of us could cut with so little effort, including Kaiser Aluminum or Boeing or anyone. We could cut it with so little effort that we would achieve what we are trying to achieve without putting people out of work. And the question has been asked, I think Senator Atwood asked it of Senator Walgren, are you going to continue to work? I will assure you that he is going to continue to work and if he refuses to, we will find someone else who will."

On motion of Senator Walgren, the following amendments were adopted simultaneously:

On page 2, section 3, line 7, strike "five" and insert "seven".

On page 2, section 3, line 18, strike "ex officio members of the committee, without vote" and insert "the remaining two members".

POINT OF INQUIRY

Senator Atwood: "Will Senator Walgren yield? The question has been skirted around here on the floor and I was over there at the hearing the other night when Senator Bottiger was making the presentation on this and the question I have to you is this. Under section 5 of the bill the Governor can disregard any of the committee recommendations and just do his own thing. What was the feeling of your committee on not having the Governor's actions with the concurrence of at least the majority of the committee?"

Senator Walgren: "Basically, Senator Atwood, it was again going to the question of the immediacy of the emergency. Whether it required quick and prompt action. As a matter of fact, the way the bill was originally drawn it referred to certain things that the Governor could do and he may refer it to the committee for recommendation. We changed that 'may' to 'shall' to see if we could give more authority to the committee but the ultimate determination was going to be in the Governor's hands and we felt if for some reason there was a hang up in the committee and if there was an emergency situation as has been testified to as you recognize, that he should have that power."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, Senator Mardesich's comments, I think, are very well founded and the potential solution to the problem that we can look at between now and January. But here are some of the problems that we came up with in discussing that idea. If you take last year's average consumption, how do you build in the problem of the person that just got the kidney machine or someone whose oil furnace blew up and he converted to electrical heat. What would be the manpower necessary? How many new state employees would you need to police this kind of a regulation? We did not have the answers to those questions. For that reason we did not pursue that proposal further, and hope to at least look at it between now and January."

POINT OF INQUIRY

Senator Woody: "Would Senator Walgren yield? Senator Walgren, there has been some question on the floor about perhaps state liability in the event that the Governor or the committee were to curtail some electric use. Is it the intent of this legislation to limit the discretionary function exception to our state court claims act, which would in my estimation exclude such liability?"

Senator Walgren: "This does not extend it in any way."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Whetzel moved that the Senate immediately reconsider the vote by which the amendments by Senator Walgren to page 2, section 3, lines 7 and 18 were adopted.

Debate ensued.

The motion for reconsideration by Senator Whetzel carried.

MOTIONS

On motion of Senator Walgren, the amendments by Senator Walgren to page 2, section 3, lines 7 and 18, on reconsideration, were not adopted.

On motion of Senator Walgren, Engrossed Senate Bill No. 2967 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

REMARKS BY SENATOR MURRAY

Senator Murray: "I would like to make a comment. I thought Senator Mardesich had an excellent suggestion that has great merit but in the course of the floor action I certainly do not want to be guilty of slowing the bill down because we do need it. However, I think we should be aware of the fact that both in the all-day hearing that was sponsored by the Council on State Governments last week and in last night's hearing the facts come out that we need to start taking action immediately. The seven percent shortage is based upon the fact that we can start saving seven percent per month now. If we let it go until next March without taking immediate action, the shortage at that point in time could be as much as thirty percent. Then we would really have a catastrophe. I think that we should proceed with this bill now. I think a relatively simple amendment that would impose a tax and/or a fine for someone who did not cut their consumption by five percent without an adequate excuse, and Senator Bottiger I think brought out some problems that we might have, possibly the action should be on the merits of a fine rather than as a tax. But something heavy enough so all of us, starting immediately, would start trying to make that five percent savings at all levels, industries, business and the private homes so that we do not have the problem next March. We do need action that takes effect immediately on everybody's part and about five percent would probably do it, but we need to start taking action in September, 1973, not January, 1974. I do feel that we should vote for this bill now, but I hope that we can have some action that will add an amendment in the House before it actually hits the Governor's desk."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, there was never a better time to advise all your constituents that it is better to light one candle than it is to sit and curse the darkness."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Just one remark. I am going to reluctantly vote for it just because if you do not you will be branded as possibly favoring a power shortage. It is a very poor bill. It has no guidelines. It leaves it all up to the discretion of one man, and I may observe that through the years I do not think he has always used it wisely. I hope he will use more discretion in his decisions on what lights to turn off and on than he has on who to let out of the penitentiary. It could be cast a very great calamity to it if he did not. So I am going to go along. I wish the bill would have taken more time. I wish there would have been guidelines. I think it is very wrong to say that he could decide arbitrarily, it has been brought out he could decide that an animated sign stays on and he could decide that Perry Woodall ought to turn off his TV. Now, of course, if he tells me to turn off certain commentators, that will be all right. That will be no particular loss. But there are certain programs I enjoy and I think certain animated beer signs and so forth ought to be turned off first. Now you are talking about saving seven percent. We may as well turn off some of the lights in our own galleries. Might as well keep those people in the dark. They will be just as well off anyway. But they came to see us, we did not come to see them, so we do not need that, if we are going to go into all of this business, then we should start here with our own household.

"Again, I am going to vote for it, but I think it is a poorly, poorly drawn bill. It has no guidelines and it makes one man an absolute dictator in his power of deciding what he

thinks is important and what he thinks ought to be turned off. I have not always found his judgment to be infallible."

REMARKS BY SENATOR DONOHUE

Senator Donohue: "Senator Woodall, would this indicate that the man on the second floor perhaps was going to be the guiding light in this?"

REMARKS BY SENATOR DORE

Senator Dore: "Several years ago during the time of the great layoffs at Boeing we had that national cartoon saying, 'The last man leaving should turn out the lights.' I assume after we pass this bill, again we can revive that cartoon."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2967, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody--47.

Voting nay: Senator Matson--1.

Excused: Senator Stortini--1.

ENGROSSED SENATE BILL NO. 2967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED HOUSE BILL NO. 189, by Representative Randall:

Relating to revenue and taxation.

The Senate resumed consideration of Engrossed House Bill No. 189. The following committee amendments were moved for adoption simultaneously by Senator Durkan on Monday, September 10, 1973:

On page 2, section 1, line 29, beginning with "*notwithstanding*" on line 29, strike all the matter down to and including "*years*" on page 3, line 1.

On page 3, line 2, strike all of section 2 and renumber the remaining sections consecutively.

On page 4, section 3, line 5, after "*after*" and before the period strike "*January 1, 1975*" and insert "*July 1, 1974*".

On page 8, section 9, line 7, after "*one*." and before "*cents*" strike "[*half quarter*]" and insert "*half*".

The motion by Senator Durkan carried and the committee amendments were adopted. Senator Atwood moved adoption of the following amendment by Senators Atwood, Lewis (Bob), Murray, Fleming and Grant:

On page 9, line 23, add a new section as follows:

"Sec. 12. Section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows: The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used

exclusively for the support of the common schools; the levy by any county shall not exceed [one] *two* dollars [and eighty cents] per thousand dollars of assessed value; the levy for any road district shall not exceed two dollars and [twenty-five] *fifty* cents per thousand dollars of assessed value; and the levy by or for any city or town shall not exceed three dollars and [thirty-seven and one-half] *seventy-five* cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from [one] *two* dollars [and eighty cents] to two dollars and [forty-seven and one-half] *seventy-five* cents per thousand dollars of assessed value for general county purposes and from one dollar and [fifty-seven and one-half] *seventy-five* cents to two dollars and [twenty-five] *fifty* cents per thousand dollars of assessed value for county road purposes if the total levy for both purposes does not exceed four dollars and [five] *fifty* cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy two dollars and [two and one-half] *twenty-five* cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: AND PROVIDED FURTHER, That the total property tax levy authorized by law without a vote of the people shall not exceed [nine] *ten* dollars [and fifteen cents] per thousand dollars of assessed value. Levies at the rates provided by existing law by or for any port or public utility district shall not be included in the limitation set forth by this proviso.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

This section shall apply to tax levies made in 1974 and each year thereafter for collection in 1975 and each year thereafter.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess., section 8, chapter 124, Laws of 1972 ex. sess. and section 134, chapter 195, Laws of 1973 1st ex. sess."

Renumber remaining section.

POINT OF INQUIRY

Senator Washington: "Would Senator Atwood yield? I have forgotten from the background of 186 in the last session, but it does kind of ring a bell that the reason we did that was on the basis that there had been a very substantial increase in assessments and there had been a very marked increase in the amount of receipts. That was the general feeling last year."

Senator Atwood: "That was the theory of it, Senator Washington, but in a lot of counties and cities they have not reached that revaluation. In King County, I read in the paper Mayor Uhlman and the city council attacking us because we do all these things to them and no funds. And here we have mandated a ten percent reduction. They have the same problems that we have and in spades and their problems are much greater than ours as far as trying to solve them. They just are short of funds. I know that in some areas local government has been criticized, but let the people do it, the taxpayers in those districts. They are elected just like we are. That is all I am saying. I really do not think it is our prerogative to mandate that kind of a budget cut."

Debate ensued.

POINT OF INQUIRY

Senator Greive: "Would Senator Durkan yield to a question? Senator, my understanding of the measure is vastly different from yours. I am not at all sure that I am correct. I would like to know who and what your authority is for the fact that there is going to be a twenty-seven million dollar increase?"

Senator Durkan: "The bill as originally drafted, the first bill, 186, required the cutback in property taxes of approximately ten percent on the local level. Senator Atwood has, by his amendment, come back in and requested that 186, that particular section, be amended. Now the cost simply is, how much is that going to increase the property taxes with the

Atwood amendment? In other words, how much are the local communities going to be able to raise taxes with this amendment of Atwood's? The best that we can come up with, and it would begin in 1975, is that the counties state-wide would have an increase of approximately eight million three hundred and fifty-one thousand. The cities state-wide would be able to increase about nine million eighteen thousand; the road districts about four million seven hundred and ninety-eight thousand. Now those are rough figures, but they are as close as we can come to determining what the property tax increase will be as a result of the Atwood amendment."

Senator Greive: "Senator, it is at variance with the way the measure was explained to me. I might very well be willing to side with your position if I knew where the authority came from. As I had understood this, and maybe I had it wrong, that when they leveled out the twenty mills in order to make it come out even we shorted the cities and we shorted the counties approximately ten percent or a little less than ten for the counties and ten percent for the cities. As I had understood the situation, we had given that money to the schools of about four or five million dollars and that all we were doing was redistributing that money. And I do not understand your analysis at all. It seems entirely foreign to the way I understood it. Now is there some way we can resolve that to be sure your explanation is correct?"

Senator Durkan: "We can be at variances. I am just saying that the result of 186 was to cut back property taxes in the amount that we now have presently without the Atwood amendment. With the Atwood amendment, property taxes are going to be allowed to increase to this level. That is what we are talking about. We are giving enabling legislation to local jurisdictions to regain the amount of percentages that they lost."

Further debate ensued.

POINT OF INQUIRY

Senator Woodall: "Have you consulted Harley Hoppe on this subject at all?"

Senator Durkan: "No, I consulted Senator Atwood's expert former employer which is the Washington Research Council."

Senator Woodall: "But Harley has not been asked?"

Senator Durkan: "No."

Senator Whetzel demanded a roll call and the demand was sustained by Senators Greive, Connor, Durkan, Metcalf, Lewis (Harry), Lewis (Bob), Day, Canfield and Knoblauch.

Debate ensued.

ROLL CALL

The Secretary called the roll and the amendment by Senators Atwood, Lewis (Bob), Murray, Fleming and Grant was not adopted by the following vote: Yeas, 17; nays, 30; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Canfield, Connor, Day, Fleming, Grant, Greive, Knoblauch, Lewis (Bob), Lewis (Harry), Matson, Murray, Newschwander, Sellar, Twigg, Wanamaker, Whetzel—17.

Voting nay: Senators Bailey, Bottiger, Clarke, Donohue, Dore, Durkan, Francis, Gardner, Guess, Herr, Jolly, Jones, Keefe, Lux, Mardesich, Marsh, Mattingly, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Talley, Van Hollebeke, Walgren, Washington, Woodall, Woody—30.

Absent or not voting: Senator Henry—1.

Excused: Senator Stortini—1.

MOTION

Senator Day moved adoption of the following amendment:

On page 2, section 5, beginning on line 17, strike all of sections 5, 6 and 7.

POINT OF INQUIRY

Senator Bailey: "Mr. President, I do not want to vote on this amendment yet. I am not too sure what Senator Day has done to county hospitals and things of that sort."

Senator Day: "In answer to that question, what I have done is that this will return the statute to its existing circumstance rather than cutting the millage to the local TB hospitals and, of course, it will retain the money and continue to make it available. Now the thing that bothers me about this is that we have had very little time to look at it. We have had no time in Social and Health Services to know what the impact to the program is. So consequently what this will do is just leave this particular aspect of the rollback alone, leave it as it is and it will take these three sections, which it is not known to me what the impact would be, out of the bill."

Debate ensued.

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

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

Beginning on line 8 of the title, strike everything down to and including "70.33.040;" on line 14.

On motion of Senator Odegaard, Engrossed House Bill No. 189, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lux, Mardesich, Marsh, Mattingly, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Talley, Van Hollebeke, Walgren, Washington, Woody—31.

Voting nay: Senators Atwood, Canfield, Clarke, Day, Greive, Jones, Lewis (Bob), Lewis (Harry), Murray, Newschwander, Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—16.

Absent or not voting: Senator Matson—1.

Excused: Senator Stortini—1.

ENGROSSED HOUSE BILL NO. 189, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Peterson (Lowell), the Senate commenced consideration of Senate Bill No. 2603.

SECOND READING

SENATE BILL NO. 2603, by Senators Lewis (Harry), Metcalf, Atwood, Peterson (Lowell), Wanamaker and Gardner (by Executive request):

Setting forth state economic impact act seeking to offset economic consequences of closing state institutions and services.

MOTIONS

On motion of Senator Peterson (Lowell), Substitute Senate Bill No. 2603 was substituted for Senate Bill No. 2603 and the substitute bill was placed on second reading and read the second time in full.

Senator Atwood moved adoption of the following amendment by Senators Peterson (Lowell), Atwood and Durkan:

On page 1 strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. When either for fiscal reasons, changes in service modes, obsolescence or other extraordinary reasons, it becomes necessary to close a state facility, the state has a responsibility to provide certain benefits to affected employees.

It is the purpose of this chapter to establish an economic impact act for the state of Washington to meet the emergency situation now in existence for state employees affected by the closure of state facilities, as defined in section 2 of this 1973 act.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Employees" includes those persons performing services for the state on a salaries or hourly basis including, but not limited to, persons in "classified service" as defined in RCW 41.06.020(3) and those persons defined as exempt from the state civil service laws pursuant to RCW 41.06.070.

(2) The term "closure of a state facility" means the termination of services being provided by a facility operated by the department of social and health services or in conjunction with the department of natural resources, when such facility is terminated for fiscal reasons, changes in service modes, obsolescence, or other extraordinary reasons and where vacancies in the same or a like job classification and at not less than one full range lower than the same salary range is not available to affected state employees.

(3) "Classified employees" means those employees performing classified service as defined in RCW 41.06.020(3).

NEW SECTION. Sec. 3. Excluded employment and excluded employees under this chapter include, but are not limited to, the following:

(1) State employment related to a single project under a program separately financed by a grant of nonstate funds, federal funds or state funds, or by a combination of such funding, which is designed to provide training or employment opportunities, expertise or additional manpower related to the project or which, because of the nature of the project funding requirements, is not intended as a permanent program.

(2) Activities at least seventy-five percent federally funded by a categorical grant for a specific purpose and any other activities terminated because of actions taken by the federal government or other funding sources other than the state of Washington in eliminating or substantially limiting funding sources, except to the extent that the federal government or such other funding sources may permit the use of nonstate funds to pay for any employee benefits authorized pursuant to this chapter.

(3) The following categories of employees are excluded from benefits under this chapter:

(a) employees refusing transfer to vacant positions in the same or a like job classification and at not less than one full range lower than the same salary range;

(b) classified employees having other than permanent status in the classified service;

(c) employees having less than three years' consecutive state service as an employee, except that such employees shall nonetheless be eligible for the benefits provided in subsections (1), (2), (4) and (5) of section 4 of this 1973 act.

(d) nothing in this chapter shall affect any other rights currently held by classified employees regarding reduction in force procedures and subsequent reemployment.

NEW SECTION. Sec. 4. In order to carry out the purposes of this chapter, the state shall take every reasonable step at its disposal to provide alternative employment and to minimize the economic loss of state employees affected by the closure of state facilities. Affected state employees shall be paid benefits as specified in this section.

(1) Relocation expenses covering the movement of household goods, incurred by the necessity of an employee moving his domicile to be within reasonable commuting distance of a new job site, shall be paid by the state to employees transferring to other state employment by reason of the closure of a facility.

(2) Relocation leave shall be allowed up to five working days' leave with pay for the purpose of locating new residence in the area of employment.

(3) The state shall reimburse the transferring employee to the extent of any unavoidable financial loss suffered by an employee who sells his home at a price less than the true and fair market value as determined by the county assessor not exceeding three thousand dollars: PROVIDED, That this right of reimbursement must be exercised, and sale

of the property must be accomplished, within a period of two years from the date other state employment is accepted.

(4) For employees in facilities which have been terminated who do not choose to participate in the transfer program set forth in the preceding subsections, the following terminal pay plan shall be available:

(a) For qualifying employees, for each one year of continuous state service, one week (five working days) of regular compensation shall be provided.

(b) Regular compensation as used in subsection (a) hereof shall include salary compensation at the rate being paid to the employees at the time operation of the facility is terminated.

(c) Terminal pay as set forth in subsections (a) and (b) hereof shall be paid to the employee at the termination of the employee's last month of employment or within thirty days after the effective date of this 1973 act, whichever is later: PROVIDED, That from the total amount of terminal pay, the average sum of unemployment compensation that the qualifying employee is eligible to receive equal to the total number of weeks of terminal pay minus one week shall be deducted.

(d) Those employees electing the early retirement benefits as stated in subsection (5) of this section shall not be eligible for the terminal pay provisions as set forth in this subsection.

(e) Those employees who are reemployed by the state during the period they are receiving terminal pay pursuant to subsections (a), (b) and (c) of this section shall reimburse the state for that portion of the terminal pay covered by the period of new employment.

(5) As an option to transferring to other state employment an employee may elect early retirement under the following conditions: PROVIDED, That such election shall be made within thirty days of termination:

(a) Notwithstanding the age requirements of RCW 41.40.180, any affected employee who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire, with no actuarial reduction in the amount of his pension benefit.

(b) Employees who elect to retire pursuant to RCW 41.40.180 shall be eligible to retire while on authorized leave of absence not in excess of one hundred and twenty days.

(c) Employees who elect to retire under the provisions of this section shall not be eligible for any retirement benefit for any calendar month during which they have been engaged in full-time employment. The public employees' retirement system board shall adopt necessary rules and regulations to implement the provisions of this subsection.

NEW SECTION. Sec. 5. (1) Notwithstanding any other provision of this chapter employees affected by the closure of a state facility as defined in section 2(2) of this 1973 act who were employed as of May 1, 1973 at such facility, and who are still in employment of the state or on an official leave of absence as of the effective date of the 1973 act who would otherwise qualify for the enumerated benefits of this act are hereby declared eligible for such benefits under the following conditions:

(a) such employee must be actively employed by the state of Washington or on an official leave of absence on the effective date of this 1973 act, and unless the early retirement or terminal pay provisions of this chapter are elected, continue to be employed or to be available for employment in a same or like job classification at not less than one full range lower than the same salary range for a period of at least thirty days thereafter;

(b) such employee must give written notice of his election to avail himself of such benefits within thirty days after the passage of this 1973 act or upon closure of the institution, whichever is later.

NEW SECTION. Sec. 6. In order to reimburse the public employees' retirement system for any increased costs occasioned by the provisions of this 1973 act which affect the retirement system, the public employees' retirement board shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this 1973 act, determine the increased present and future cost to the retirement system of such employee's election. Upon the determination of the amount necessary to offset said increased cost, the retirement board shall bill the department of personnel for the amount of the increased cost. Such billing shall be paid by the department

as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose.

NEW SECTION. Sec. 7. Sections 1 through 6 and 9 of this 1973 act shall be added to Title 43 RCW as a new chapter thereof.

NEW SECTION. Sec. 8. If any provision of this 1973 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately: PROVIDED HOWEVER, That each of the provisions of this 1973 act shall be operative and in effect only until and including September 14, 1974: PROVIDED FURTHER, That benefits under section 4(3) of this 1973 act shall be available until September 14, 1975."

POINT OF INQUIRY

Senator Woodall: "Would Senator Atwood yield? Do I read this correctly that an able bodied man can quit work at age forty-five if the job in a particular area runs out? For example, he pushes a certain button at a certain institution in a certain place and he does not need to go anywhere else to try to find a job?"

Senator Atwood: "No, that is not correct. This is a very restrictive measure, Senator."

Senator Woodall: "Well, it says he can get it at forty-five and everybody else has to wait until sixty. Now what did he have to do . . . ?"

Senator Atwood: "Senator, he has to have been employed at Northern State, Spruce Canyon, Mission Creek or at Firlands. He has to have had at least five years' vesting and there is an explanation of what the man can draw. And that is all he can get."

Senator Woodall: "I know, but you have not answered my question, Senator."

Senator Atwood: "I have."

Senator Woodall: "My question was, he can be an able bodied man forty-five years of age; he is not required to make any effort to find any other employment, similar employment, move to another area. He may elect to stay there and take retirement at age forty-five under this. Correct?"

Senator Atwood: "Without the amendment that is on your desk, Senator. There is an amendment that changes that to fifty-five."

Senator Woodall: "Well, that will help a little."

Senator Atwood moved adoption of the following amendment to the amendment by Senators Peterson (Lowell), Atwood and Durkan:

On page 1, line 7, after "facility," insert "as defined by section 2(2)."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Atwood yield to a question? Senator, you are speaking of Northern State. What were the other places that you mentioned?"

Senator Atwood: "Firlands, Spruce Canyon, and I believe the others are Mission Creek and Clearwater. Not Mission Creek, Clearwater."

Senator Rasmussen: "These were forest camps?"

Senator Atwood: "Two forest camps, right."

Senator Rasmussen: "My concern is, Senator, that from here on out we will have a very, very strong reluctance to establishing any new projects. I can understand Northern State which was a long-time project, but the other two were not and they were not established as permanent projects either and I think that the legislature, if we are going to take this approach on those particular projects, that we will have a strong reluctance to setting up any new pilot projects."

Senator Atwood: "I will yield to Senator Peterson."

Senator Peterson (Lowell): "Senator Rasmussen, the employees at Clearwater and Firland and Spruce are state employees and they have a vested employment record with the state and have transferred from some other agency to that particular facility. I can cite

Northern State as an example. I know many people that have called me personally. They are dedicated people to have to work with these people. The honor camp is something else other than mental treatment, but nevertheless, you have to be very dedicated to work with these people. They have put in maybe seventeen years and they need two or two and one-half years and sometimes less than that to get their vested retirement rights. What this bill does, in effect, really, and it has been watered down from over four million down to one point six or four or whatever it is now. We have cut out all the goodies. All we are trying to do is in some way take care of moving costs for those who are willing to transfer and if the person happens to be forty-five years old and he has put seventeen years in in state service, whether it is at Spruce Canyon or at Northern State, this is the proposal that the Governor has put before us, to in some measure pick up the benefits that certainly they are entitled to."

POINT OF INQUIRY

Senator Woodall: "I still have not gotten an answer to my question which is this. Here is an able bodied man. They say now he is fifty-five. Started out forty-five. He is at a temporary labor camp where we had some honor camp. Now, if I read this correctly, he is offered other employment with the state. He can go somewhere else. But as I read it, there is no obligation to do it. He can say, 'You bring me a job right here or else I am going to retire on you.' Now everyone else, if a highway blocks off a man's store we say, 'tough' and he has got to find somewhere else to clerk, doesn't he? You do not retire him. He does not start to draw federal social security because a highway blocked off a store. Or if a school teacher gets left out of one school they do not retire. They find another school to go to. Now I cannot understand this singling out one batch of people that we say because this particular job no longer exists right here you do not have to hunt anywhere. And the fact that the state may have a job for you elsewhere, the fact that the man who is out at this honor guard camp could go to work at Walla Walla, he does not have to go. Now everyone else in life has to hunt around when they are out of a job. If Harry Lewis's mill closes down, the man has to hunt somewhere else. He does not say, 'I am going to sit there until that mill starts up again,' or 'I retire.' But this is the most ridiculous thing, to say that, and I want to be corrected if I am wrong, but as I read it, there is no obligation on this man's part to take another state job wherever it might be offered. So that thirty miles away they say, 'Look, there is a state job down there. You are admirably qualified for it. It pays the same as the other job, but you do not have to go to it.' Now that has got to be bad legislation."

Senator Lewis (Harry): "Mr. President, in response to Senator Woodall, and I certainly recognize that you have a portion of a valid argument, but I would like to suggest that there may be some other things that I would urge you to consider. I do not know whether I can persuade you to support the bill in any case, but I would like to try to respond as best I am able.

"One of the things that you should recognize is that the retirement benefit itself is not the same retirement benefit that a person who retires at sixty-five would receive. It is a greatly reduced benefit. It applies only to that portion of the years that the person worked and it is substantially reduced. You have a complete detailed brief of that on your desk. And so when you talk about benefit received, number one, this man we have to assume and I assume would like to continue working at what he is doing. The closure is an act that has been done by us for many reasons. The second area that I would like to point out is the question of whether he should move or not. There may be some people like those whom you describe, I know many others who are in another category. Someone, for example, who has lived for seventeen, or Senator Peterson, you might be able to give us some better examples, twenty years in Sedro Woolley, who has a home, that is established, has an investment in the community and has time there and children there and decides that he really does not want to move to Spokane."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "We are getting off of the subject. We are now talking about the main bill rather than the amendment itself and just in hope to save time, if we do not

address ourselves to the particular amendment, I am afraid we will have these speeches all over again when we get to the main question."

Senator Harry Lewis continues: "I do not intend to do that. This is all I intend to say about it, Senator Mardesich, but I will restrict myself just in trying to respond to Senator Woodall. At any rate, the arguments that you present, I think, are countermanded to some extent if you are correct; this is a policy decision that we are making. I happen to feel that it is a necessary and essential one. I happen to believe that anytime the state closes an institution it should measure among the costs of that closure the costs of people and the sensitivity and I think the state should be sensitive to the needs of people. And that is really the decision we are facing today."

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President and Senator Woodall, I would like to direct your attention to three places in the bill that directly address itself to the question which you have raised. The first one is on page 1, line 21. It states, 'The term closure of a state facility means,' then it drops on down below to line 26, 'where vacancies in the same or like job classification and at not less than one full range lower than the salary range is not available to affect the state employee.' So clearly by that definition if there are vacancies in the same or like job classification they must take the position or they are not eligible for the benefit.

"Secondly, I direct your attention to page 2, line 24, subsection (a), which says, 'Employees refusing transfer to vacant positions in the same or like job classification and at not less than one full range lower than the same salary range,' and finally, Senator Woodall, on page 4, beginning at line 28, subsection (c) reads, 'Employees who elect to retire under the provisions of this section shall not be eligible for any retirement benefits for any calendar month during which they have been engaged in full-time employment.' Now these provisions are in the bill which were inserted by amendment in the Senate Ways and Means Committee to get at this problem of employees refusing to take vacant positions that are available in the state. The bill, as originally drafted, did not require them to move, but we put these amendments in saying that they had to take vacant positions when they were available. Further, that when they are full-time employees, say they went to work for the city or the county and had a full-time job, they were ineligible for any benefits, so I think we have attempted in the Senate Ways and Means Committee to tighten up this bill in this regard."

Debate ensued.

The motion by Senator Atwood carried and the amendment to the amendment by Senators Peterson (Lowell), Atwood and Durkan was adopted.

On motion of Senator Atwood, the following amendments to the amendment by Senators Peterson (Lowell), Atwood and Durkan were adopted:

On page 1, line 17, strike "salaries" and insert "salaried".

On page 2, line 1, strike "is" and insert "are".

Senator Dore moved adoption of the following amendment by Senators Dore and Van Hollebeke to the amendment by Senators Peterson (Lowell), Atwood and Durkan:

On page 4, section 4, line 21 of the Peterson (Lowell) amendment, strike "forty-five" and insert "fifty-five".

Debate ensued.

POINT OF INQUIRY

Senator Dore: "Could I ask Senator Peterson a question? If all other state employees cannot receive benefits of their pension until fifty-five, what legal or moral justification is there for a certain group of people to receive their pension at age forty-five? That is my first question. And secondly, has the constitutionality of this been determined? In other words, I am a state employee; I pay into that fund. Isn't this a raid on the reserves on that fund? In other words, after thirty years I can retire at fifty-five, not forty-five. If they are all in the class together, how can we have a class carved out to retire at forty-five? Those two questions, if I could."

Senator Peterson (Lowell): "Senator Dore, I think I can answer them both in one. This bill directs itself to a specific purpose for a specific need and to my knowledge, at least in my tenure in the legislature, this has never happened before. We have never closed down institutions and all of a sudden told the people that work there, 'Go on down the street and find out what you can do for yourself.' We have never done this before, not since I have been here. And this bill is an attempt, and the title explains it quite aptly, it is an economic impact bill to take care of those that the state of Washington has displaced. Now if there is a further question, I will try to answer."

Senator Dore: "Senator Peterson, but are not we taking care of them by giving them terminal pay? We are giving them moving costs. I favor all that. I am enthusiastically for it, but I wonder if we are not just giving them too much on top of it. In other words, I think they should have their pension rights given too but why should they be able to retire ten years ahead of any other state employee? Now if you would have taken the words out, 'without any actuarial deduction.' If you want them to retire at forty-five, then we could at least adjust it so they would take a reduced amount based upon their age. But I do not think you should have it at both ends, at age forty-five and then no actuarial deduction. I might go for forty-five if you had the actuarial deduction. Then we would all be treated the same way. That is the only thing I am saying."

Senator Peterson (Lowell): "Mr. President, I will yield to Senator Lewis."

Senator Lewis (Harry): "Senator Dore, if you take a look at the memo to Senator Atwood from Norm Schut, you will see the fact the actual costs of the early retirement provisions and how they are implemented in the legislation. I think the point that you might perhaps be missing is this, that do you understand that their benefits are substantially less than they would be if they retired at age sixty or sixty-five? Do you also understand that they have worked and made a commitment and that they would lose any retirement benefits unless they waited until they were sixty-five? And so on that basis it seems to me that your argument is specious because we are only giving them the benefits that they have actually earned. We are not giving them additional benefits. And I think that while we have stretched it a little bit, they would have to elect either to retire or to select another job and that both things do not go hand in hand. They do not receive both. Do you understand that?"

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Atwood yield to a question? Senator Atwood, reading in the newspaper that Western Washington College is going to have a force reduction of one hundred professors."

Senator Atwood: "Not yet."

Senator Rasmussen: "Well, unless they get all of us senior citizens to move up there and go into their classes and be counted as pupils, the way I understand it. However, under this concept these people are just as much out of work as the people at the Mission Ridge or Spruce Camp. Are you going to extend the same privileges to these people?"

Senator Atwood: "No, because the professors are under TIAA Craft which is a portable pension that can go to any state in the Union."

Senator Rasmussen: "My understanding that all employees are vested under PERS system."

Senator Atwood: "No, they are not. Just the classified. That is a RIF. This does not apply to a reduction in force, Senator Rasmussen. This bill only applies to the limited situation stated previously."

Senator Rasmussen: "My question was, are not these people out of work just as much as the other people?"

Senator Atwood: "No, I do not think so. Because they could transfer a lot easier than these people."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Bob): "Will Senator Atwood yield please? Senator Atwood, I have heard much conversation about making certain that government employees are given the

same and equal treatment with private industry and wages are brought to this level and so forth. My question here is, would these employees whose jobs would be terminated be eligible for unemployment compensation?"

Senator Atwood: "I think under present law that they are."

Further debate ensued.

POINT OF INQUIRY

Senator Scott: "Would Senator Atwood yield? Senator Atwood, since there is no actuarial reduction in the amount of the retirement pay given this individual and since the Department of Personnel is going to be billed for all costs over and above what the individual would have otherwise incurred, how much more is it going to cost the state during the next ten years as a result of this bill?"

Senator Atwood: "There is no way of answering you. On the maximum we can get you a figure but a lot of these people will not elect to retire. They will take transfers. This is presenting them with an option. We have no way of knowing how many will elect to take the forty-five. Maybe Senator Peterson can answer that."

Senator Scott: "I thought the very reason that we were enacting the bill is because most of these people could not get transfers."

Senator Atwood: "I am not sure what the figure is at Northern State. Senator Peterson can tell you how many transferred. A lot of them already have."

Senator Scott: "What I am suggesting is that there is a considerable general fund cost here, that we are indeed setting a precedent, so that we cannot close down a state institution. Indeed we are limiting it to four right now but we will not be able to close down any state institution without incurring an additional general fund cost. No precedent for this in either private industry or in the federal government, and it seems to me that we are setting a very different precedent over any we have now."

Senator Greive demanded a roll call and the demand was sustained by Senators Connor, Fleming, Bailey, Clarke, Metcalf, Peterson (Lowell), Dore, Jolly and Knoblauch.

POINT OF INQUIRY

Senator Mardesich: "In the interests of time, I wonder if Senator Peterson would be too upset if a motion were made for indefinite postponement to see whether we are wasting time on this measure. Just as a test vote. We may be wasting hours of time here."

Senator Peterson (Lowell): "Mr. President, I do not know but I think we have aired this thing to the point that I think it is a state matter. It is something that we have to come to grips with. It is something that if we do not take action on in this mini-session it is dead for all time, because according to our Constitution, our statutes, we are going to have to get through with it now. I vigorously oppose any postponement. If we have to go through a bunch of Mickey Mouse amendments we are going to have to go through them."

ROLL CALL

The Secretary called the roll and the amendment by Senators Dore and Van Hollebeke to the amendment by Senators Peterson (Lowell), Atwood and Durkan was adopted by the following vote: Yeas, 27, nays, 20; absent or not voting, 1; excused, 1.

Voting yea: Senators Canfield, Clarke, Day, Donohue, Dore, Francis, Greive, Guess, Herr, Jones, Keefe, Lewis (Bob), Lux, Mardesich, Matson, Mattingly, Murray, Rasmussen, Sandison, Scott, Sellar, Twigg, Van Hollebeke, Wanamaker, Whetzel, Woodall, Woody—27.

Voting nay: Senators Atwood, Bailey, Bottiger, Connor, Durkan, Fleming, Gardner, Grant, Jolly, Knoblauch, Lewis (Harry), Marsh, Metcalf, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Talley, Walgren Washington—20.

Absent or not voting: Senator Henry—1.

Excused: Senator Stortini—1.

MOTIONS

Senator Greive moved that the Senate immediately reconsider the vote by which the amendment by Senators Dore and Van Hollebeke to the amendment by Senators Peterson (Lowell), Atwood and Durkan was adopted.

On motion of Senator Woodall, the motion by Senator Greive was laid upon the table.

On motion of Senator Atwood, the following amendment to the amendment by Senators Peterson (Lowell), Atwood and Durkan was adopted:

On page 1, lines 6 and 25, strike "changes in service modes,"

Senator Canfield moved adoption of the following amendment to the amendment by Senators Peterson (Lowell), Atwood and Durkan:

On page 3, section 4, line 17, strike subsection (3), lines 17-23 and renumber the subsequent subsections.

Debate ensued.

The motion by Senator Canfield failed and the amendment to the amendment by Senators Peterson (Lowell), Atwood and Durkan was not adopted.

Senator Whetzel moved adoption of the following amendment to the amendment by Senators Peterson (Lowell), Atwood and Durkan:

On page 4, section 4 (5), after line 24, insert a new subsection: "(b) Notwithstanding the age requirements of RCW 41.40.180, any affected employee who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire with an actuarial reduction in the amount of his pension benefit."

Reletter remaining subsections.

POINT OF INQUIRY

Senator Woodall: "Will Senator Whetzel yield? There is a little bit of peril about floor amendments sometimes. You are putting in a whole new section. You say, 'notwithstanding the requirements of Remington's,' and so forth, 'any affected employee who has attained forty-five' may do this, Are you sure that that language ties it down to just this very limited thing or are you possibly opening it wide up?"

Senator Whetzel: "I certainly hope I am not opening it up. I took the exact language that is on the amendment, page 4, lines 20 to 24, subsection (a) that we just amended, in line 21 changing the age forty-five to fifty-five. I copied that exactly except for on line 23 where it says, 'with no actuarial reduction,' I put, 'with an actuarial reduction.' So at the age of forty-five they would have to take an actuarial reduction."

POINT OF INQUIRY

Senator Durkan: "Will Senator Whetzel yield? I raise the same question. In your language on an affected employee, is that referring back to an affected employee of RCW 41.40.180 or is it as an affected employee under this act, and would you have objections after the words, 'any affected employee' and then insert 'under this act'?"

Senator Whetzel: "I have no objection and that language should also go on page 4, line 21 in subsection (a). I think that would be a good provision."

On motion of Senator Durkan, the following amendment to the amendment by Senators Peterson (Lowell), Atwood and Durkan was adopted:

On page 4, line 21, after "employee" insert "under this act"

The motion by Senator Atwood carried and the amendment by Senators Peterson (Lowell), Atwood and Durkan, as amended, was adopted.

On motion of Senator Peterson (Lowell), Engrossed Substitute Senate Bill No. 2603 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2603 and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Connor, Day, Dore, Durkan, Fleming, Gardner, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lux, Marsh, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Talley, Van Hollebeke, Walgren, Wanamaker, Whetzel—30.

Voting nay: Senators Canfield, Clarke, Donohue, Francis, Guess, Jones, Lewis (Bob), Mardesich, Matson, Mattingly, Murray, Peterson (Ted), Scott, Sellar, Twigg, Washington, Woodall, Woody—18.

Excused: Senator Stortini—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Peterson (Lowell), Engrossed Substitute Senate Bill No. 2603 was ordered immediately transmitted to the House.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, on motion of Senator Bailey, the Senate moved to reconsider the vote by which Engrossed House Bill No. 189, as amended by the Senate, passed the Senate.

MOTIONS

On motion of Senator Day, Engrossed House Bill No. 189, as amended by the Senate, was returned to second reading.

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

On page 5, strike all of section 8.

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

On line 12 of the title, after "70.32.090;" strike everything down to and including "70.33.040;" on line 14.

On motion of Senator Day, Engrossed House Bill No. 189, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 189, as amended by the Senate, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 34; nays, 13; absent or not voting, 1; excused 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Talley, Van Hollebeke, Walgren, Washington, Woody—34.

Voting nay: Senators Atwood, Canfield, Clarke, Jones, Mattingly, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel—13.

Absent or not voting: Senator Woodall—1.

Excused: Senator Stortini—1.

ENGROSSED HOUSE BILL NO. 189, as amended by the senate, having received the constitutional majority, on reconsideration, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEE

September 11, 1973.

SENATE BILL NO. 2433, providing that the defendant may be required to pay an amount, fixed by the court, to the victims of a crime (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 11, 1973.

SENATE BILL NO. 2961, allowing prosecuting attorneys to employ legal interns (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 11, 1973.

SENATE BILL NO. 2962, allowing city attorneys to employ legal interns (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 11, 1973.

SENATE BILL NO. 2973, making certain change in the laws relating to support of stepchildren (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

September 11, 1973.

SENATE BILL NO. 2974, permitting enforcement of judgments by supplemental proceedings in justice courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Twigg, Woodall.

Passed to Committee on Rules for second reading.

September 11, 1973.

SUBSTITUTE HOUSE BILL NO. 221, making it a crime to resell food stamps and food purchased therewith or to purchase resold stamps or food (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Grève, Van Hollebeke.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2979, by Senator Rasmussen:

An Act relating to state audits of governmental associations; and adding new sections to chapter 43.09 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2980, by Senators Guess and Rasmussen:

An Act relating to the governor; adding a new section to chapter 8, Laws of 1965 and to chapter 43.06 RCW; and providing for a referendum by the people.

Referred to Committee on State Government.

SENATE JOINT MEMORIAL NO. 129, by Senators Donohue, Jolly, Odegaard and Washington:

Requesting the federal government to approve the use of DDT against the Douglas Fir Tussock Moth.

Referred to Committee on Ecology.

There being no objection, additional sponsors were permitted on Senate Joint Memorial No. 129.

SECOND READING

SENATE BILL NO. 2965, by Senators Walgren, Peterson (Lowell) and Wanamaker:

Making a supplemental appropriation to the Washington state toll bridge authority.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 2965 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Walgren yield to a question? Senator Walgren, can this money only be spent for increased fuel costs?"

Senator Walgren: "No, it is for the operations of the ferry system, maintenance and operation, but the testimony was that the deficit was caused because of the increased fuel costs. As a matter of fact, the bill provides that if there is additional revenue, and there has been additional revenue coming in because of the increased usage of the ferry system, that the money need not be expended. It simply gives them the authority to spend it."

Senator Rasmussen: "The reason I was wondering about the increased fuel costs, I see where the government rolled it back and there should not be any increased fuel costs."

Senator Walgren: "There may not be."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2965 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—47.

Absent or not voting: Senator Woodall—1.

Excused: Senator Stortini—1.

SENATE BILL NO. 2965 having received the 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 Bailey: "Mr. President and members of the Senate, earlier today the majority party held up the Economic Impact Bill, 2603, because we wanted assurance the Governor would not veto out the one-year cut off in the bill and I want to now explain that the Governor did contact me and said that if both houses left the one-year cut off in the bill he would not bother it. I wanted that in the record."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President and gentlemen of the Senate, you see on your desk a green sheet which has caused some consternation. People have been wondering how these bills got out of committee with their amendments. This is in response to the problem we have had that Senator Rasmussen addressed himself to the other day. With this short session we have been pushing bills out here quite rapidly and this is an attempt to merely give you a preview of what may come out of committees and what may come out of Rules and what may even come over from the House. The House is intending to act on a few of these bills and has not yet. But these are all very possible bills in terms of our consideration and so we made this list up for you so that you can address yourselves to them if you have any spare time and have a chance to bone up on them before we act on them. And we are going to adjourn for this evening now. I have asked a number of the committee chairmen if they have House bills, would they call meetings tonight and get those out since we should start to address ourselves to those House bills, in addition to which I am leaving open the hour between eight and nine tomorrow morning to again allow you an opportunity to consider House bills so that we can get on with the consideration of the bills and begin to wind the session up if possible. So you committee chairmen who want meetings better call them. I know a number of you have indicated that you want them. Senator Day says he would like an extra half hour for a hearing in the morning. I have no objection to even a nine-thirty call, rather than nine. You can have an hour and a half tomorrow so that we are sure to get some bills out."

SECOND READING

SENATE BILL NO. 2463, by Senators Grant, Bailey, Fleming and Stender (by Department of Labor and Industries request):

Revising the law relating to industrial welfare.

MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 2463 was substituted for Senate Bill No. 2463 and the substitute bill was placed on second reading and read the second time in full.

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

On page 5, section 6, line 9, after "rules" strike the period and insert "": PROVIDED, That this section shall not apply to sheltered workshops"

On motion of Senator Guess, Engrossed Substitute Senate Bill No. 2463 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2463 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—44.

Voting nay: Senators Guess, Twigg, Woodall—3.

Absent or not voting: Senator Herr—1.

Excused: Senator Stortini—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2463 having received the constitutional 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 5:10 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:30 a.m., Wednesday, September 12, 1973.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, September 12, 1973.

The Senate was called to order at 9:30 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present except Senator Woodall.

The Color Guard, consisting of Pages Rachael Langen and Denny Cook, presented the Colors. Reverend Charles Loyer, pastor of Westminster Presbyterian Church of Olympia, offered the following prayer:

“OUR HEAVENLY FATHER, WE THANK YOU FOR THE PROMISE OF THIS DAY. GIVE US GRACE TO MAKE THE MOST OF IT. BLESS THE LEGISLATORS IN THEIR WORK. AS THEY TURN TO THE PROBLEMS AND CHALLENGES OF THIS SESSION, MAKE AVAILABLE TO THEM THE KNOWLEDGE NECESSARY TO UNDERSTAND THE UNDERLYING ISSUES INVOLVED AND HELP THEM TO USE WITH MAXIMUM EFFECTIVENESS THE RESOURCES THEY HAVE. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

September 12, 1973.

SENATE BILL NO. 2975, pertaining to local sales taxes imposed to finance transportation systems (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Jolly, Knoblauch, Lewis (Bob), Lux, Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

September 10, 1973.

ENGROSSED HOUSE BILL NO. 190, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Dore, Lewis (Harry), Marsh, Newschwander, Peterson (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

September 11, 1973.

Mr. President: The Speaker has signed HOUSE BILL NO. 706, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 706.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2981, by Senators Bottiger and Newschwander:

An Act relating to special assessment deferral; amending section 35.50.050, chapter 7, Laws of 1965 as amended by section 5, chapter 137, Laws of 1972 ex. sess. and RCW 35.50.050; adding a new chapter to Title 36 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2982, by Senator Francis:

An Act relating to justices of the peace; and repealing section 3, chapter 14, Laws of 1973 1st ex. sess. and RCW

Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 138, by Senators Metcalf, Walgren and Mattingly:

Ordering immediate reduction in lighting of state government buildings and areas.

MOTIONS

On motion of Senator Metcalf, Senate Concurrent Resolution No. 138 was advanced to second reading and read the second time in full.

On motion of Senator Metcalf, Senate Concurrent Resolution No. 138 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

SECOND READING

SENATE BILL NO. 2943, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Twigg, Clarke, Jones, Murray, Keefe, Woody and Herr):

Implementing the laws of licensing renewal fees of certain professions.

MOTION

On motion of Senator Day, Senate Bill No. 2943 was re-referred to the Committee on Social and Health Services.

SECOND READING

ENGROSSED SENATE BILL NO. 2410, by Senators Bottiger, Henry and Sandison: Allowing the operation of school buses and certain trucks under any road conditions. The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2410, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—48.

Absent or not voting: Senator Woodall—1.

ENGROSSED SENATE BILL NO. 2410, having received the constitutional 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 10:00 a.m., on motion of Senator Bailey, the Senate was declared to be at ease. President Pro Tempore Henry called the Senate to order at 11:10 a.m.

MOTIONS

On motion of Senator Mardesich, all bills passed today were ordered immediately transmitted to the House.

On motion of Senator Herr, the Senate will consider Senate Bill No. 2004 immediately after consideration of Senate Bill No. 2910.

On motion of Senator Scott, Senator Lewis (Harry) was excused.

SECOND READING

SENATE BILL NO. 2627, by Senator Day:

Providing that irrigation districts may purchase and dispose of electronic power under certain conditions.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2627 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2627, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr,

Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Absent or not voting: Senators Newschwander, Woodall—2.

Excused: Senator Lewis (Harry)—1.

SENATE BILL NO. 2627, having received the constitutional 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 Atwood, Senator Newschwander was excused.

SECOND READING

SENATE BILL NO. 2910, by Senator Grant:
Relating to elections.

MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2910 was substituted for Senate Bill No. 2910 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Grant, Substitute Senate Bill No. 2910 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Grant yield to a question? Senator Grant, let us assume that a corporation such as Boeing or Weyerhaeuser would not like the manner in which you were voting and that they, under this bill, then would have the legal right to form a campaign and finance it to recall Senator Grant. Is this what you have in mind with this type of legislation?"

Senator Grant: "I think maybe at times they have had that in mind, Senator. No, that is not what is contemplated by this. If that were a concern of the corporations that are prohibited now, which are so-called foreign corporations, they are incorporated outside the state of Washington, they could do it in other ways. As an example, the Boeing Company has a wholly-owned subsidiary which is the Boeing Computer Services, and if Boeing Computer Services wanted to contribute to a recall campaign against Senator Grant they could do it now. But I think it would be much more ineffective if, under the reporting requirements of Initiative 276, they had to do it directly. They had to report it directly."

Senator Rasmussen: "Thank you, Senator Grant."

Debate ensued.

POINT OF INQUIRY

Senator Whetzel: "Senator Grant, will you yield? Senator Grant, we have deleted the restriction that makes it a crime for any person who gives any money in connection with an initiative, referendum or recall from a corporation, the majority of whose members or stockholders had a residence outside the state of Washington. What I am wondering is, if this does not open it up so far that now a corporation who does not even do business in the state of Washington, who is not licensed in the state of Washington, has no office in the state of Washington, can participate in our initiative and referendum campaign."

Senator Grant: "I cannot find the section immediately, Senator Whetzel."

Senator Whetzel: "I am looking up at the top of page 2 of the substitute bill where it says, 'Money or anything of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose

members or stockholders have their residence outside the state of Washington.' Now we will be permitting corporations, regardless of their residence or principal office, to take part in the initiative and referendum campaigns in the state of Washington. What I am wondering is, unless it is limited to corporations who at least do business here, whether we have any control over them in terms of reporting requirements or criminal sanctions whatsoever, if we are not inviting corporations from the Southwest, from California or Japan."

Senator Grant: "Senator Whetzel, I think that is a legitimate concern and I would like to check this with counsel."

MOTION

On motion of Senator Grant, Substitute Senate Bill No. 2910 was ordered placed at the end of the third reading calendar for today.

SECOND READING

SENATE BILL NO. 2387, by Senators Bailey, Lewis (Harry), Rasmussen, Peterson (Lowell), Newschwander, Walgren and Durkan (by Public Employees' Retirement Board request):

Making certain revisions in the public employees' retirement system.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2387 was substituted for Senate Bill No. 2387 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, Substitute Senate Bill No. 2387 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2387, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senator Scott—1.

Excused: Senator Lewis (Harry), Newschwander—2.

SUBSTITUTE SENATE BILL NO. 2387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2004, by Senators Herr, Stortini and Van Hollebeke:

Providing for a state lottery.

The bill was read the second time by sections.

On motion of Senator Atwood, the following amendments were adopted simultaneously:

On page 1, section 3, line 21, after "mean" strike the remainder of the subsection and insert "the Washington state gambling commission created by chapter 218, Laws of 1973, 1st extraordinary session;"

On page 2, section 4, strike all of section 4 and substitute the following:

“NEW SECTION. Sec. 4. There is hereby established in the department of revenue a division of lottery, which division shall include a director appointed pursuant to the provisions of section 5 of this chapter and which division shall come under the supervision and control of the Washington state gambling commission.”

On page 10, section 18, line 12, after “governor, the” strike “lottery” and insert “Washington state gambling”.

On motion of Senator Herr, the rules were suspended, Reengrossed Senate Bill No. 2004 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2004, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Fleming, Gardner, Grant, Greive, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Bob), Lux, Mardesich, Marsh, Mattingly, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Scott, Stortini, Twigg, Van Hollebeke, Walgren, Woodall, Woody—31.

Voting nay: Senators Atwood, Canfield, Clarke, Durkan, Guess, Jolly, Matson, Metcalf, Murray, Peterson (Ted), Sellar, Talley, Wanamaker, Washington, Whetzel—15.

Absent or not voting: Senator Francis—1.

Excused: Senators Lewis (Harry), Newschwander—2.

REENGROSSED SENATE BILL NO. 2004, having received the constitutional 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 Herr, Reengrossed Senate Bill No. 2004 was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SENATE BILL NO. 2697, by Senators Washington and Gardner (by Lieutenant Governor request):

Placing certain appointed public officials under financial disclosure requirements.

MOTION

Senator Washington moved that Engrossed Senate Bill No. 2697 be placed on today’s second reading calendar following consideration of Senate Bill No. 2516.

POINT OF INQUIRY

Senator Canfield: “Will Senator Washington yield? Senator, on this digest it refers to subdivisions of thirty thousand people. I think the bill referred to five thousand registered voters, did it not?”

Senator Washington: “I would have to check it. That is one of the things that we also wanted to check. Thirty thousand, however, has been eliminated. There is a possibility that we should go back to the thirty thousand.”

Senator Canfield: “I think the bill says five thousand registered voters.”

Senator Washington: “There is the very strong possibility that it should go back to the higher because a number of the smaller agencies, it is surprising how many stenographers and persons in that category are actually employed and confirmed by the agency. Small irrigation districts, weed districts, they confirm many of the lower employees, so we may go to the higher figure.”

The motion by Senator Washington carried. Engrossed Senate Bill No. 2697 was placed on today's second reading calendar following consideration of Senate Bill No. 2516.

SECOND READING

SENATE BILL NO. 2946, by Committee on Parks and Recreation (endorsed by Senators Knoblauch, Jones, Canfield, Bailey, Woody and Wanamaker):
Implementing the law of state shorelands and tidelands.

REPORT OF STANDING COMMITTEE

September 8, 1973.

SENATE BILL NO. 2946, implementing the law of state shorelands and tidelands (reported by Committee on Parks and Recreation):

Recommendation: Do pass with the following amendments:

On page 1, line 17, section 1 after "*Washington*" and before "*be*" strike "*may*".

On page 1, line 19, section 1, after "*city-county*," and before "*solely*" strike "*or county*" and insert "*county or state agency*".

On page 1, line 23, section 1, after "*city-county*" and before "*is*" strike "*or county*" and insert "*county or state agency*".

Signed by: Senators Knoblauch, Chairman; Bailey, Canfield, Jones, Lux, Odegaard, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were adopted simultaneously.

On motion of Senator Woody, Engrossed Senate Bill No. 2946 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Would Senator Woody yield? Senator, in addition to what you said about the use for these purposes, did we not write into the bill that it must be solely used?"

Senator Woody: "That is correct. The interpretation that we have on the bill the way it is right now is that that must be its sole and exclusive use. It cannot have a little slide and a teeter totter around an industrial park."

Senator Canfield: "I wanted the body to be sure of that."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2946, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Atwood, Donohue—2.

Excused: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 2946, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2947, by Judiciary Committee (endorsed by Senators Atwood, Clarke, Bottiger, Van Hollebeke, Woodall, Francis, Dore and Twigg):

Changing the effective date of laws relating to new commitment procedures for mentally disordered persons.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment by Senators Woody and Marsh:

On page 1, line 4, after the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 72.23.070, chapter 28, Laws of 1959 as last amended by section 4, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, a state hospital may receive any person who is a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of a person eighteen years of age or over, the application shall be voluntarily made by the person, at a time when he is in such condition of mind as to render him aware of the significance of his act;

(2) In the case of a person under eighteen years of age, the application shall be made by his parents, or by the parent, conservator, guardian, or other person entitled to his custody. *All such applications shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of the state hospital to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment.* A person under eighteen years of age received into a state hospital as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a state hospital as a voluntary patient;

(3) In the case of a person eighteen years of age or over for whom a conservator or guardian of the person has been appointed, such application shall be made by said conservator or guardian, when so authorized by proper court order in the conservatorship or guardianship proceedings.

Sec. 2. Section 8, chapter 142, Laws of 1973 1st. ex. sess. and RCW (. . .) are each amended to read as follows:

(1) Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.76 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing. Persons impaired by chronic alcoholism or drug abuse may receive services pursuant to this chapter if they so elect, *unless proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, chapter 92, Laws of 1973 (chapter RCW).*

(2) No person under the age of eighteen years shall be involuntarily provided with, detained, certified, or committed for evaluation or treatment pursuant to the provisions of this chapter unless written authorization has been obtained from such person's parent, parents, conservator, or legal guardian, or pursuant to proceedings of the juvenile court under chapter 13.04 RCW.

Sec. 3. Section 14, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of *an available* physician or other professional person [providing] *qualified to provide* such services.

Sec. 4. Section 15, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

In addition to the responsibility provided for by RCW 71.02.411, any person, or his estate, or his spouse, or the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible

for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The [county mental health administrative board] *department of social and health services* shall [, as part of its annual community mental health program plan], *pursuant to chapter 34.04 RCW*, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. *Such standards shall be applicable to all county mental health administrative boards.* Financial responsibility with respect to department services and facilities shall continue to be as provided in chapter 71.02 RCW.

Sec. 5. Section 17, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

No [public or private] officer [or] *of a public or private agency* initiating or providing treatment pursuant to this chapter, nor the superintendent, professional person in charge, his professional designee, or attending staff of any such agency, *nor any public official performing functions necessary to the administration of this chapter*, nor peace officer responsible for detaining a person pursuant to this chapter shall be civilly or criminally liable for performing duties prescribed by this chapter or releasing a person at or before the end of the period for which he was admitted or committed for evaluation or treatment: PROVIDED, That such duties were performed in good faith and without negligence.

Sec. 6. Section 37, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

(1) If the court or jury finds that the person named in the petition (a) has threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and as a result of mental disorder, presents an imminent threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention; or (b) was taken into custody as a result of attempting to inflict or inflicting physical harm upon the person of another, and as a result of mental disorder presents an imminent threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the court or jury finds that the respondent has committed acts falling within either subsection (1) (a) or (b) of this section, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of less restrictive treatment not to exceed ninety days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of ninety days unless the superintendent or professional person in charge of the facility in which he is confined files a new petition for involuntary treatment on the grounds that the committed person has attempted or actually inflicted physical harm on another during his period of involuntary treatment, and he is a person who, by reason of mental disorder, presents a likelihood of serious harm, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention. Such new petition for involuntary treatment shall be filed and heard [either] in the superior court of the county of the facility which is filing the new petition for involuntary treatment [or in the superior court of the county wherein the original petition for involuntary treatment was filed]. The cost of the proceedings shall be borne by the county wherein the original petition for involuntary treatment was filed, when such proceedings are had in a county other than the county wherein the petition for involuntary treatment was filed and arrangements shall be made and agreements reached between involved counties for billing and payment arrangements to meet said responsibility.

Sec. 7. Section 45, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

[Nothing in this chapter shall prohibit] A public or private agency [from releasing] *shall release* to a patient's attorney, his guardian, or conservator, if any, or a member of the patient's family the information that the person is presently a patient in the facility or that the person is seriously physically ill, if the professional person in charge of the facility determines that the release of such information is in the best interest of the person. Upon the death of a patient, his guardian or conservator, if any, and a member of his family shall be notified.

Sec. 8. Section 46, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .) are each amended to read as follows:

When a [voluntary] patient would otherwise be subject to the provisions of section 44 of this 1973 amendatory act, and disclosure is necessary for the protection of the patient or others due to his unauthorized disappearance from the facility, and his whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his professional designee."

POINT OF INQUIRY

Senator Atwood: "Would Senator Woody yield? Senator Woody, I have not had a real chance to go through these but, having looked at them, they apparently do generate some more expense to the counties, a couple of these do. Do you have any idea what the fiscal note is on these bills or has one been prepared?"

Senator Woody: "No fiscal note has been prepared so far as the expense to the state of Washington is concerned, as opposed to the counties. It was only the people of Clark County that I was able to ask this particular question of and they replied that they were not aware of what the cost was, but these particular things that they wanted, they were very willing to absorb whatever cost it would take. Most of these things are not like cross referencing, notice or review, but the review, the court may say you would have to do it anyway."

Senator Atwood: "I understand that. I just was curious to see what, if anything, had been done in the area of the financing of this entire new procedure."

POINT OF INQUIRY

Senator Guess: "Would Senator Woody yield? Senator Woody, did I understand you when you first started your remarks that the date of January 1, 1974, would remain in the bill?"

Senator Woody: "That is correct."

Senator Guess: "I do not have all the amendments in front of me but which amendment accomplishes this?"

Senator Woody: "The entire amendment, and by way of explanation, let me state that the portion of the bill, 2947, the part that I am taking out is only the language that puts off the effective date of the civil commitment act until July of 1974. During that period of time, as I understand it, if we wait that period of time there are several cases that are now pending before the court that would probably hold our current law unconstitutional. And so to prevent the portion putting it off an additional six months, we have come up with these amendments."

Senator Guess: "Thank you very much."

The motion by Senator Woody carried and the amendment by Senators Woody and Marsh was adopted.

On motion of Senator Woody, the following amendment to the title by Senators Woody and Marsh was adopted:

On line 1 of the title, after the semicolon following "illness" strike the balance of the title and insert: "amending section 72.23.070, chapter 28, Laws of 1959 as last amended by

section 4, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.070; amending section 8, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .); amending section 14, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .); amending section 15, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .); amending section 17, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .); amending section 37, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .); amending section 45, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .); amending section 46, chapter 142, Laws of 1973 1st ex. sess. and RCW (. . .); declaring an emergency; and making an effective date."

On motion of Senator Woody, Engrossed Senate Bill No. 2947 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Would Senator Woody yield to a question? Senator Woody, I am still not satisfied with that answer you gave on January 1, 1974."

Senator Woody: "Let me explain further then. The bill book before you, the section just talks about putting the effective date of our 1973 act off. The amendments that I have put in, I have not taken all of the civil commitment bill, does not appear before you. Just those sections that we are amending."

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President and fellow Senators, if you will look in your bill book on page 1 of Senate Bill No. 2947 you will find that Senate Bill No. 2947 is simply a two-section bill. Section 1 says that the 'section 67, chapter 142, Laws of 1973 First Extraordinary Session and RCW . . . are each amended to read as follows: Chapter 142, Laws of 1973 First Extraordinary Session shall take effect on July 1, 1974.' Now the Woody-Marsh amendment strikes that section and substitutes the amendments that Senator Woody referred to. So it effectively then keeps the law as it is now, which goes into effect January 1, 1974. I might state that I passed out a memorandum which should be on everybody's desk. It reads, 'Statement explaining amendments to the civil commitment law,' and I would point out that if we enact the Woody-Marsh amendment in this bill in the present form it will save us a considerable amount of money. It will save us eight hundred thousand dollars to one million dollars over and above what would have to be spent if we delayed the implementation to July 1. So this really is a very worthwhile thing. As pointed out on page 2 of this memorandum, this bill in the present form with this amendment on it is supported by the Governor's office, the Department of Social and Health Services, and the Legal Services program, among others. I do not think there is any controversy about any of these amendments. None of these amendments, to my knowledge, is substantive. They are all procedural, so I urge your adoption of the bill."

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Woody yield? Do these amendments in any way change the seventy-two hour . . . ?"

Senator Woody: "No, it does not. That was one of the requests by some people but we left it at seventy-two hours."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to further question? Senator Woody, when this bill was passed the prior session the criticism I received was from the judges and prosecutors who said it was unworkable. You have solved that now in consultation with the Prosecutors' Association and the Judges' Association?"

Senator Woody: "As of today they are happy if we pass it this way to have it come into effect come January."

Senator Rasmussen: "Second criticism that I received was that it was a very expensive bill for the counties. Has that problem been solved?"

Senator Woody: "Well, it is solved already because if we do not have a civil commitment bill at all we are going to have all these people on the streets. We will save some money there perhaps."

Senator Rasmussen: "That is contrary to what your note says because it says you are going to let more of them out of Western State and the other institutions. You are going to save money that way so I cannot understand both approaches."

Senator Woody: "If we use my approach we will not let as many out as if we do not use my approach because if you do not use my approach there will probably be a court case saying that you have to release all these people on a writ of habeas corpus and then we will save an awful lot of money and they will all be living with us."

Senator Rasmussen: "They will probably be in the legislature then. I was going to say, Senator Woody, has the County Commissioners' Association approved these changes?"

Senator Woody: "Individual ones, yes. But, no, I have not gone to their representative and said, 'What is the poll?'. But the individual ones that I have talked to, especially those who have come forward with some objections, yes, they agree with these now. Those that have not come forward with any objections apparently do not care."

Senator Rasmussen: "Thank you, Senator Woody."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2947, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall. Woody—48.

Excused: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 2947, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

September 12, 1973.

ENGROSSED HOUSE BILL NO. 1075, providing for state participation in the federal supplemental security income program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Greive, Herr, Jones, Murray, Twigg.

Passed to Committee on Rules for second reading.

September 11, 1973.

HOUSE JOINT RESOLUTION NO. 31, revising Article XXIII of the Constitution relating to amendments and revisions (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Gardner, Stortini, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

September 11, 1973.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 487, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 487, by Committee on Commerce (originally sponsored by Representatives Johnson, Kalich and Ellis):
Changing the definitions relating to lotteries.
Referred to Judiciary Committee.

MOTION

At 12:10 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Walgren, Senator Durkan was excused.

SECOND READING

SENATE BILL NO. 2952, by Senators Peterson (Lowell), Metcalf, Peterson (Ted), Mattingly and Marsh:

Authorizing a study of fish food.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), Senate Bill No. 2952 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2952 and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 9; excused 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Day, Donohue, Durkan, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Rasmussen, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—39.

Absent or not voting: Senators Bailey, Connor, Dore, Fleming, Francis, Mardesich, Sandison, Stortini, Woodall—9.

Excused: Senator Durkan—1.

SENATE BILL NO. 2952 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2366, by Senator Grant:

Relating to legislative redistricting.

REPORT OF STANDING COMMITTEE

September 10, 1973.

ENGROSSED SENATE BILL NO. 2366, relating to legislative redistricting (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, after line 3 of the engrossed bill, being line 9 of Day amendment to committee amendment, after "CCE 4" insert "CCD 5 (part: ED 21)"

On page 6, line 20, section 9 of the engrossed bill, being line 23 of the committee amendment, after "CCD Bremerton" add "(part: ED 37-64, 66-73)"

On page 6, line 24 of the engrossed bill, being line 26 of the Day amendment, after "CCD 5" add (part: ED 19, 21, 23)

On page 7, after line 1 of the engrossed bill, being after line 35 of the Day amendment to the committee amendment, insert "CCD Bremerton (part: ED 65, 74)

On page 7, after line 6 of the engrossed bill, being after line 40 of the Day amendment to the committee amendment, insert "T 604".

Signed by: Senators Grant, Chairman; Canfield, Gardner, Mattingly, Metcalf, Washington.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted simultaneously.

On motion of Senator Grant, the rules were suspended, Reengrossed Senate Bill No. 2366 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Donohue, Senator Stortini was excused.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2366 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 4; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Fleming, Francis, Gardner, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—41.

Voting nay: Senators Greive, Van Hollebeke—2.

Absent or not voting: Senators Connor, Dore, Henry, Metcalf—4.

Excused: Senators Durkan, Stortini—2.

REENGROSSED SENATE BILL NO. 2366 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Peterson (Lowell), Engrossed Senate Bill No. 2952 was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SENATE BILL NO. 2516, by Senators Atwood, Newschwander and Durkan:

Making certain changes in laws relating to dispersal of funds.

The bill was read the second time by sections.

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

On page 2, lines 15 and 16, delete “, and the chairman of the legislative council” and insert “[, and the chairman of the legislative council]”

On motion of Senator Atwood, Reengrossed Senate Bill No. 2516 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2516 and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 5; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Francis, Gardner, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Connor, Dore, Fleming, Henry, Peterson (Lowell)—5.

Excused: Senators Durkan, Stortini—2.

REENGROSSED SENATE BILL NO. 2516 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Day, Reengrossed Senate Bill No. 2366 was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SENATE BILL NO. 2697, by Senators Washington and Gardner (by Lieutenant Governor request):

Placing certain appointed public officials under financial disclosure requirements.

The Senate commenced consideration of Engrossed Senate Bill No. 2697, the bill having been placed following consideration of Reengrossed Senate Bill No. 2516 by Senator Washington previously today.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2697 was substituted for Engrossed Senate Bill No. 2697 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, the following amendment by Senators Washington, Metcalf and Grant was adopted:

On page 1, section 1, subsection (2), line 22, after “to” and before “by” strike “confirmation” and insert “a subsequent formal confirmation proceeding”

Senator Washington moved adoption of the following amendment by Senators Washington, Metcalf and Grant:

On page 1, section 1, subsection (2), line 24, after “state” strike the semicolon and insert “and who engages in supervisory, policy making or policy enforcing work.”

POINT OF INQUIRY

Senator Rasmussen: “Will Senator Grant yield to a question? Senator Grant, I noticed that the 276 committee has a policy of exempting some people from the provisions of 276 and other people maybe yes and maybe no. Are there any provisions in this proposal that you are passing that would require a uniform exemption or else a uniform application?”

Senator Grant: “Senator Rasmussen, this is not an amendment to Initiative 276. This is an amendment to our present code of ethics that will extend the same requirements of

Initiative 276 insofar as reporting of their financial holdings and their dealings as is required under the initiative, but it is not a change so far as Initiative 276 itself is concerned. Whether or not there is a hardship exemption here, I am going to have to look at it. Senator Washington, maybe you know."

Senator Washington: "As far as I recall, I do not believe so."

Senator Grant: "I will concur in Senator Washington's remarks. I do not believe there is any exemption in this."

Senator Rasmussen: "This would require uniform filing and there are no exemptions?"

Senator Grant: "We do not provide for exemptions here."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Whetzel: "A question of Senator Washington. I notice on page 3, subsection (g) appears to be similar language to Initiative 276. My question, is this the identical language that has created such problems for people filing for public office?"

Senator Washington: "This is exactly the same language."

Senator Whetzel: "Do you anticipate this creating the same problems for the myriad of appointed officials?"

Senator Washington: "I do not believe that it will. These are not elected officials. They are appointed officials. They are going to be in most cases absolutely full time. You are not going to have the problem that we have now with part-time port district officials or part-time school district officials or persons such as that. These are all full-time persons and I do not think the same arguments would prevail."

Senator Whetzel: "Another question, do you know how many appointed officials this will apply to?"

Senator Washington: "It will be a relatively small number. For instance, at the state level it would be all of those who must be confirmed by the Senate."

Senator Whetzel: "How many are those?"

Senator Washington: "I do not have the number but it is whatever the number that goes through here that we approve, that is the number."

Senator Whetzel: "We just got a list of a couple hundred the other day. I do not know whether that is the total amount or not."

Senator Washington: "It is at least a couple of hundred."

Senator Whetzel: "Do you know how many boards and commissions citizens serve on in the city of Seattle that are approved by the City Council?"

MOTION

On motion of Senator Mardesich, Engrossed Substitute Senate Bill No. 2697 will be considered after Reengrossed Substitute Senate Bill No. 2583.

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

REPORT OF STANDING COMMITTEE

September 12, 1973.

SENATE BILL NO. 2964, authorizing gifts, grants and conveyances to school districts and providing for the administration thereof (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gardner, Chairman; Bottiger, Fleming, Murray, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

MOTION

At 2:08 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 2:35 p.m.

MESSAGES FROM THE HOUSE

September 12, 1973.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 14,
 ENGROSSED HOUSE BILL NO. 1121,
 ENGROSSED HOUSE BILL NO. 1126, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

September 12, 1973.

Mr. President: The House has passed:
 REENGROSSED SENATE BILL NO. 2659,
 SENATE BILL NO. 2915,
 SENATE BILL NO. 2944,
 SENATE BILL NO. 2945, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

September 12, 1973.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, and the same is herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 14, by Committee on Social and Health Services (originally sponsored by Representative Bluechel):
 Implementing the laws relating to acupuncture.
 Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, by Committee on Ecology (originally sponsored by Representatives Wojahn, Valle, Blair, Nelson and Paris):
 Providing for the abatement and control of noise.
 Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 1121, by Representatives Bagnariol, Morrison, Thompson, Fortson, Beck, Ceccarelli and Douthwaite (by Washington State Teachers' Retirement System request):
 Making certain changes in the teachers' retirement system.
 Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1126, by Committee on Ecology (endorsed by Representatives Smith, Wilson, Beck, Valle, Charnley, Pullen, Nelson, McCormick, Kraabel, Bluechel, Zimmerman, North (Lois), Goltz and Bauer):
 Implementing law authorizing outdoor fires.
 Referred to Committee on Ecology.

SECOND READING

ENGROSSED SENATE BILL NO. 2300, by Senators Woody, Clarke and Van Hollebeke:
 Permitting use of electronic data processing system in selecting juries.
 The bill was read the second time by sections.
 On motion of Senator Francis, Engrossed Senate Bill No. 2300 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2300 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Voting nay: Senator Fleming—1.

Excused: Senators Durkan, Stortini—2.

ENGROSSED SENATE BILL NO. 2300 having received the constitutional 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 Durkan, the Senate commenced consideration of Reengrossed Substitute Senate Bill No. 2583.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 2583, by Committee on Transportation and Utilities (originally sponsored by Senators Matson and Peterson (Lowell):

Revising motor vehicle over-weight fee schedules.

MOTIONS

On motion of Senator Bottiger, Second Substitute Senate Bill No. 2583 was substituted for Reengrossed Substitute Senate Bill No. 2583 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bottiger, Second Substitute Senate Bill No. 2583 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bottiger yield to a question? Does the bill narrow down the definition so that it is merely this type of crane vehicle that is now permitted? Will it allow any other vehicles in, and if so, would it amount to anything?"

Senator Bottiger: "Senator Van Hollebeke, the definition is on the first page. All of the testimony before the subcommittee and the committee is that there is only one vehicle that fits that description. Now you will notice that it is nine feet between the front and back axle and is the minimum permissible length. It was ten feet and they developed a new crane, and that is all we are talking about, how far the front wheel has to be from the back wheel. No one could conceive of any other vehicle that would fit that description except this crane."

Senator Van Hollebeke: "Okay. That is good enough. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2583, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Fleming, Francis—2.

Excused: Senator Stortini—1.

SECOND SUBSTITUTE SENATE BILL NO. 2583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2572, by Senators Whetzel, Ridder and Talley:

Clarifying the authority of sewer districts.

The bill was read the second time by sections.

On motion of Senator Whetzel, Engrossed Senate Bill No. 2572 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2572, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Stortini—1.

ENGROSSED SENATE BILL NO. 2572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2939, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley):

Changing the laws relating to buyers of smelt and smelt fishermen.

The bill was read the second time by sections.

On motion of Senator Talley, Senate Bill No. 2939 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2939, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Bob), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senators Atwood, Jones, Lewis (Harry)—3.

Excused: Senator Stortini—1.

SENATE BILL NO. 2939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 190, by Representative Randall:

Relating to revenue and taxation.

REPORT OF STANDING COMMITTEE

September 10, 1973.

ENGROSSED HOUSE BILL NO. 190, relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 13 after "a" strike all the matter down to and including "order" on line 14 and insert "statewide refund of tax funds pursuant to state levies is required".

On page 1, following section 1, line 19, add a new section as follows:

"Sec. 2. Section 84.69.060, chapter 120, Laws of 1957 as last amended by chapter 15, Laws of 1961 and RCW 84.69.060 are each amended to read as follows:

Refunds ordered under this chapter with respect to county and state taxes shall be paid by checks drawn upon the appropriate fund by the county treasurer: *PROVIDED, That in making refunds on a county or district-wide basis, the county treasurer may make an adjustment on the next property tax payment due for the amount of the refund unless the taxpayer requests immediate refund.*"

Reumber the remaining sections consecutively.

On page 2, section 2, line 2 after "costs" and before "incurred" insert "including interest paid on the refunds".

On page 2, section 3, line 24, before "refunds" strike "mass".

On page 2, section 3, line 24, after "basis" and before "shall" insert "during 1973".

On page 2, section 3, line 26, after "court." insert "No written protest by individual taxpayers need to be filed to receive a refund pursuant to this 1973 amendatory act."

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Dore, Lewis (Harry), Marsh, Newschwander, Peterson (Ted), Sandison, Scott.

The bill was read the second time by sections.

Senator Durkan moved adoption of the committee amendments simultaneously.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Durkan yield to a question? Senator Durkan, I noticed in the information sheet here on the amendment that the taxpayer may request or can request an immediate refund. Now, by putting in the six-month moratorium on interest you are practically going to force all taxpayers that have any amount of money involved to demand an immediate refund in order that they can collect the interest on their money. If they let it lay in the treasurer's office they will not have any interest on it for six months. So it would seem to me that this would force an immediate load onto the treasurer's office."

Senator Durkan: "It applies to the year 1973 only and the amendment is very clear in this respect, that you have two options. You can ask for the refund immediately or you can ask to have it applied as a credit to your next tax statement which will be mailed to you. There is no payment of interest. That is the answer."

Senator Rasmussen: "No payment of interest?"

Senator Durkan: "That is right. The testimony was from the county treasurers throughout the state that the administrative cost spread out over a state-wide average, that the administrative cost in mailing back the interest payments would cost more than the interest itself."

Senator Rasmussen: "True, but I am saying that it is going to be an immediate rush on the treasurer's office to collect the rebate they have coming. If they have a thousand dollars or two thousand dollars and they are going to get a rebate on it, they are going to actually go in there right now, anybody that has a large tax payment, and collect their money so they can put it out at interest."

Senator Durkan: "The average state-wide interest refund was less than fifty cents."

Senator Rasmussen: "Well, that would not make anybody go wild for interest."

Senator Durkan: "But it is an arbitrary, Senator, it is just that there are not going to be any interest payments under this bill. That is the decision that we wrestled with for about four days in the committee, all of us starting out with the idea that the interest should be paid. It should be paid at eight percent or whatever the going rate was, and then finally ending up recognizing that it was not practical or feasible to make the interest payments, and this is the best product that we could come up with after a long debate on the bill."

Senator Rasmussen: "My second question would be, provided they may demand an immediate refund, immediately after this law becomes effective, the same day they should be able to get their money."

Senator Durkan: "As soon as they decide whether they want it credited or whether they want the cash, then the administrative proceeding of setting it up has to be put into effect and I would imagine if someone goes into the treasurer's office and says he wants his back, that the treasurer is going to comply as fast as they can to see to it that they get it."

Senator Rasmussen: "Immediate is right now. Thank you, Senator."

POINT OF INQUIRY

Senator Woodall: "Further to Senator Durkan. It says, 'unless he shall demand,' it gets credited against next year. Now if I am a little slow paying it into the county they tab me eight percent."

Senator Durkan: "If I said that I was mistaken. I meant not next year's but the next half of the tax statement."

Senator Woodall: "Assuming I only paid the first half. If I paid the whole year then it would be the next year. All right. Now, if I am a little slow putting it into the county they tab me eight percent, don't they? But if they are a little slow paying back to me, they do not pay anything. That is the way it works. Is that it?"

Senator Durkan: "That is correct."

Senator Woodall: "I see. Well, it is not correct but that is the way it is."

Senator Durkan: "Senator, you were correct in your statement."

Senator Woodall: "I see. Thank you. Now then it says here it may make an adjustment on the next tax payment due unless the taxpayer requests immediate refund. Now I do not note any days or periods of time or anything that says when the county has to do it. How long does the taxpayer have to demand this refund or if he does not demand it, as Senator Rasmussen said, right after this law is passed, has he waived the right to ask for it or can he go in and ask for it? He did not learn about this until a couple of months. Will the treasurer say, 'Well, sorry we did not hear from you and we have already applied it against next year and we will not give it to you now.' To me this amendment is not fully adequate in that it has no time limit. It provides no time within which the taxpayer is entitled to ask, and it has nothing in it that says when the money has to be paid back."

"Now it just seems to me it is one of those things that maybe it was clear in the mind of the person drawing it, but I can see as an administrative matter it is very nebulous. It says, 'unless he shall request immediate refund.' Well, what does that mean and when does he request immediate refund? As soon as this bill passes? Does he have thirty days to do it? Does he have six months to do it, assuming that he paid for a whole year? I just do not understand this bill at all."

Senator Durkan: "Senator, actually you are fairly correct in how much time he has and it is about thirty days because October 15, if he does not ask for the refund it will be credited on the next tax statement issuance. But if he does make the request for the refund between now and the 15th, we are informed by the representatives of the treasurers throughout the state that they are prepared to make that refund in cash."

Debate ensued.

The motion by Senator Durkan carried and the committee amendments were adopted simultaneously.

On motion of Senator Durkan, Engrossed 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.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 190, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr,

Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Stortini—1.

ENGROSSED 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.

MOTION

On motion of Senator Mardesich, Senator Durkan was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 221, by Committee on Judiciary (originally sponsored by Representatives Parker, Ellis, Luders, Adams, Clements, Gaines, Laughlin, Hansen, North (Frances), Kilbury, Valle, Bausch, Knowles, Hurley, May, Savage, Anderson, Goltz, Maxie, Eng, Beck, Douthwaite, Kalich, Gallagher, Randall, Bauer, Haussler, Schinpoch, Warnke, Bagnariol, McCormick, Rabel, Jastad, Ceccarelli, Chatalas, Van Dyk, Bender, Curtis, Fortson, Pardini, Tilly):

Making it a crime to resell food stamps and food purchased therewith or to purchase stamps or food.

REPORT OF STANDING COMMITTEE

September 11, 1973.

SUBSTITUTE HOUSE BILL NO. 221, making it a crime to resell food stamps and food purchased therewith or to purchase resold stamps or food (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

In section 1, line 9, after "the" and before "value" insert "face".

In section 1, line 11, after "a" strike all the matter down to and including "both," on line 12 and insert "gross misdemeanor".

In section 1, line 13, after "the" and before "value" insert "face".

In section 1, line 14, after "a" strike all the matter down to and including the period on line 16 and insert "misdemeanor."

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Greive, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were adopted simultaneously.

On motion of Senator Francis, Substitute House Bill No. 221, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Would Senator Francis yield to a question? We minimized the penalties but we left the amount of the fines the same?"

Senator Francis: "Senator Fleming, we have not spelled out the amount of the fine that is available. The fine that is available under Washington statute for a gross misdemeanor and a misdemeanor is less than it is under federal statute so it is less than it is set out here. We actually struck out the part about the jail term and the fine in this statute."

Senator Fleming: "Okay. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 221, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Donohue, Dore, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Day, Talley—2.

Excused: Senators Durkan, Stortini—2.

SUBSTITUTE HOUSE BILL NO. 221, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Francis, Substitute House Bill No. 221, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED HOUSE BILL NO. 785, by Representatives Conner, Brown, Bausch, Douthwaite, Chatalas and Wojahn:
Increasing the minimum wage.

REPORT OF STANDING COMMITTEE

September 11, 1973.

ENGROSSED HOUSE BILL NO. 785, increasing the minimum wage (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On line 13, section 1 of the engrossed bill, being line 6 of the House Committee on Labor amendment, after "shall be" strike "one dollar and [sixty] *eighty* cents" and insert "[one dollar and sixty cents] *two dollars*".

On line 15, section 1, of the engrossed bill, being line 9 of the House Committee on Labor amendment, after "*two dollars*" and before "*an*" insert "*and twenty cents*".

Signed by: Senators Connor, Chairman; Fleming, Grant, Woody.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were not adopted.

On motion of Senator Grant, Engrossed House Bill No. 785 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Will Senator Grant yield? Senator Grant, what does this do in comparison with the states of Oregon and Idaho? Can you tell me?"

Senator Grant: "I am sorry, I cannot, Senator."

Debate ensued.

MOTION

On motion of Senator Grant, Engrossed House Bill No. 785 was ordered placed on the third reading calendar for Thursday, September 13, 1973.

SECOND READING

SENATE BILL NO. 2046, by Senators Scott and Marsh:

Repealing the host-guest statutes.

The bill was read the second time by sections.

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

On page 1, line 13 following section 1, strike all of new section 2.

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

On line 4 of the title following "46.08.086" strike the remainder of the title and insert a period.

MOTIONS

On motion of Senator Mardesich, Senators Day and Gardner were excused.

On motion of Senator Scott, Engrossed Senate Bill No. 2046 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2046, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Connor, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Marsh, Matson, Mattingly, Odegaard, Peterson (Lowell), Rasmussen, Scott, Sellar, Talley, Twigg, Walgren, Whetzel, Woodall, Woody—35.

Voting nay: Senators Clarke, Mardesich, Metcalf, Murray, Newschwander, Peterson (Ted), Sandison, Van Hollebeke, Wanamaker, Washington—10.

Excused: Senators Day, Durkan, Gardner, Stortini—4.

ENGROSSED SENATE BILL NO. 2046, having received the constitutional 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 Woody, Engrossed Senate Bill No. 2046 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 2408, by Senators Walgren, Twigg and Sandison:

Authorizing remedies and penalties for violation of municipal competitive bidding requirements.

The bill was read the second time by sections.

On motion of Senator Atwood, the following amendments were adopted:

On page 1, section 1, line 10, after "made in" and before "violation" insert "wilful and intentional".

On page 1, section 1, line 16, after "of a" and before "criminal" strike "civil or".

On motion of Senator Rasmussen, Engrossed Senate Bill No. 2408 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2408, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Voting nay: Senator Talley—1.

Absent or not voting: Senator Henry—1.

Excused: Senators Day, Durkan, Gardner, Stortini—4.

ENGROSSED SENATE BILL NO. 2408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 2408 was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2697, by Committee on Constitution and Elections (originally sponsored by Senators Washington and Gardner) (by Lieutenant Governor request):

Placing certain appointed public officials under financial disclosure requirements.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 2697. The amendment by Senators Washington, Metcalf and Grant to page 1, section 1, subsection (2), line 22 was adopted previously today.

The following amendment by Senators Washington, Metcalf and Grant was moved for adoption by Senator Washington previously today:

On page 1, section 1, subsection (2), line 24, after "state" strike the semicolon and insert "*and who engages in supervisory, policy making or policy enforcing work.*"

POINT OF INQUIRY

Senator Woodall: "Will Senator Washington yield? I take it then this would not apply to the cop on the beat?"

Senator Washington: "No, it would not."

Senator Woodall: "We do not care how much he is buying and selling or what he is doing. Would a sergeant be a policy making man? Who is a policy making man?"

Senator Washington: "I would say in the first place, it is only those whose appointments would have to be confirmed, in this case by the city. We are certainly not getting everyone under this. We might extend it at some future time, but I would say we would probably only get the chief of police."

Senator Woodall: "So just the chief of police, we are only interested in what he does each year. We are not interested in any of the subordinates."

Senator Washington: "We may be interested but I do not believe at this particular time that we are going to be able to go down and require this from all policemen."

Senator Woodall: "Why can't we at this time?"

Senator Washington: "It is a question of judgment. The large number that you are going to have included in this and I feel, frankly, that when we are embarked in this endeavor, that in the beginning, if we get the top appointed officials, we will be making a good step in the right direction."

Senator Woodall: "Well, the people in Seattle who were indicted were a lot of lesser people who were charged with graft taking, and if this is an act aimed at maintaining purity and making sure that no one has any ill-gotten gain, why do you restrict the privilege of being honest to just the chief? Why do not you extend that benefit to the other ranks?"

Senator Washington: "My only answer to that is we could go on down to a number of lesser officials. I am sure you get down the line into clerks, possibly, who possibly may

embezzle. You can get down into the area of employees in the highway departments and the road and city departments that have something to do with the purchase of real estate. I think you can go on down in many, many areas and include a lot more people who possibly can be engaged in dishonest activities. At this stage I believe from an enforcement point of view, from the amount of money that we are willing to spend at the state level as to the amount we are going to appropriate for carrying out these matters, that if we take the top policy making people and handle this properly we are going to be making a big step in the right direction."

Senator Woodall: "One more question, Senator. The way you have this bill, you are now exempting out all of the people who were in it who are in anything where there is less than five thousand votes cast. Is that correct?"

Senator Washington: "Yes, that was your amendment."

Senator Woodall: "No, it was not my amendment."

Senator Washington: "It was last session, Senator Woodall. We had it thirty thousand and we amended it down to the five thousand which is included in 276. That is the figure and that was the amendment that we adopted at the last session, Senator Woodall."

Senator Woodall: "We did not adopt it into 276."

Senator Washington: "No, just to keep the record straight, we did adopt that amendment and apply it to 2697."

Senator Woodall: "Which the people repealed by 276. Correct?"

Senator Washington: "No."

Senator Woodall: "Does not 276 state that the other two are repealed?"

Senator Washington: "I am not talking about that. This bill was before us in our 1971 Regular Session. It passed the Senate after your amendment. The bill as introduced by me had thirty thousand. You objected that the thirty thousand was too high and it was your amendment that brought it down to five."

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "A question of Senator Washington. Relating to your amendment, Senator Washington, you have 'engaged in supervisory, policy making or policy enforcing work.' The question I have is how do you define supervisory?"

Senator Washington: "We have the language. We have taken this from section 1 of the present act. This is the section under which the state used to determine who would have to make reports under the code of ethics bill that we presently have, and by inserting that language we were able to cut out virtually thousands of public employees who otherwise would have had to make the filing under the code of ethics bill that we passed. State officials now have to file under that. In the beginning we covered a large number. We amended that and this is part of the language that was put in, supervisory, one, we have two levels here to determine whether or not you are going to be covered by this act.

First, you would have to be supervisory, you would not be the ordinary employee. You would supervise people. I think that is a definition they have already used in order to take a number of people out from under this act. And then second, you have to be appointed and approved by the legislative agency. So you have two areas, two qualifications that you have to meet. One, you have to be supervisory, and the other, you have to be approved by the appointing agency which would be the Senate as far as the state is concerned. It would have to be the city council if you were a city employee. It would not be just the ordinary employee. You would have to be supervisory and your appointment would have to be approved by the council."

Senator Bailey: "Another question. It is a little beyond the amendment you have here, but on page 1, line 19 it tells about an appointed public official. Is that defined sufficiently to omit the elected public official that might have been appointed to fill a vacancy?"

Senator Washington: "Well, we already have the . . ."

Senator Bailey: "We have not voted on it yet."

Senator Washington: "Well, for one thing, one who has been appointed would not have to be, if he is an elected official, subject to confirmation."

Senator Bailey: "My thought was that a little later it says, 'subject to confirmation by the legislative body.' Now if you are appointing a school board member to fill a vacancy he certainly is subject to confirmation by the remainder of that legislative body which would be the school board, and the city council would be the same. I mean, I am wondering if we are not . . ."

Senator Washington: "I can see that there could be some question there and I would certainly be willing for an amendment there."

MOTION

On motion of Senator Bailey, Engrossed Substitute Senate Bill No. 2697, together with the pending amendment by Senators Washington, Metcalf and Grant, was ordered to hold its place on the second reading calendar for Thursday, September 13, 1973.

SECOND READING

SENATE BILL NO. 2941, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Twigg, Clarke, Jones, Murray, Keefe, Woody and Herr):

Establishing a handicap symbol.

The bill was read the second time by sections.

On motion of Senator Francis, Senate Bill No. 2941 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2941, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Durkan, Gardner, Stortini—3.

SENATE BILL NO. 2941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT MEMORIAL NO. 106, by Senators Donohue and Walgren:

Providing for a second bridge across the Snake River funded with federal money.

The memorial was read the second time in full.

On motion of Senator Walgren, 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.

POINT OF INQUIRY

Senator Canfield: "Will Senator Donohue yield? Senator, is this a parallel bridge to the present one between Lewiston and Clarkston?"

Senator Donohue: "Senator Canfield, this is a proposal that that particular area has had for several years and it is a parallel bridge. However, it is approximately one mile upstream from the present one."

Senator Canfield: "Would it take the place of the present bridge?"

Senator Donohue: "No, it would not. It would supplement the present bridge because the traffic is so great at the present time that the present bridge just cannot handle the traffic."

Senator Canfield: "One mile upstream from the present?"

Senator Donohue: "That is true, Senator."

Senator Canfield: "On the Snake?"

Senator Donohue: "The proposal, yes."

Senator Canfield: "Thank you."

POINT OF INQUIRY

Senator Guess: "Senator Donohue, when the pool in Lower Granite is raised, is the Corps of Engineers going to raise the existing bridge?"

Senator Donohue: "It is my understanding, Senator, that there will be twelve feet of water flowing under the present bridge. That bridge, as you know, does lift in the middle. And this is one of the other problems that they are having. The technical parts of the bridge that raise it up and down, many times they find a situation when they raise the bridge at the present time they cannot get it back down. And in emergency cases such as transport of ambulatory cases and so forth back and forth between Clarkston and Lewiston it has proven to be a very grave problem. This is, as you well know, something that involves the Corps of Engineers, the state of Idaho, the state of Washington and our different highway departments and is in the future and this is just a memorial to get the thing moving."

Senator Guess: "Would this bridge, if they build it, be high enough above water so they did not have to open it?"

Senator Donohue: "The proposed bridge?"

Senator Guess: "The proposed bridge."

Senator Donohue: "Yes, sir, that is true."

Senator Guess: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 106, and the memorial passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senators Durkan, Gardner, Stortini—3.

SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 2488, by Senators Van Hollebeke, Woody, Atwood, Mardesich, Greive, Walgren and Twigg:

Amending the implied consent law to permit a person who has refused the test to plead guilty and keep his license.

The bill was read the second time by sections.

Senator Washington moved adoption of the following amendment:

On page 3, section 4, beginning on line 19, after "sustained" strike all the underlined material down to and including "*rescinded*" on line 23.

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

On motion of Senator Van Hollebeke, Engrossed Senate Bill No. 2488 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Washington: "I would like Senator Van Hollebeke to just explain to me what the meaning of that particular paragraph is."

Senator Woodall: "Senator Van Hollebeke, there is nothing confusing about . . ."

Senator Washington: "Mr. President, in this case I would like to have Senator Van Hollebeke give the answer."

Senator Van Hollebeke: "Would you repeat the question, please?"

Senator Washington: "I would like you to explain to me just what the language means on page 3, line 25, when it says, 'The revocation or determination that there should be a denial of issuance shall be automatically rescinded.' That 'after he has pleaded guilty' looks to me like you are going to rescind any orders that took away his license."

Senator Van Hollebeke: "Would not you permit me to defer this question to my counselor, Senator Woodall?"

Senator Washington: "If you wish."

Senator Woodall: "We are back where we started from. Now this particular bill was introduced last February. Senator Washington says he is confused. Well, maybe he is. No one else is. This has been here since last February. It is the same language as we talked about last session. This particular section is very clear to anyone. At the present time there is a mandatory automatic rescission for six months if on the testimony of one person, they said that someone failed to huff and puff and blow on a particular night when they asked him to. And whether or not the explanation was fully made, pointed out with a very definite certainty, of course, you never quite know. You never know whether the particular person fully understood the import of his failure to blow, because a lot of people have had the opinion through the years that you did not have to give evidence against yourself. It has been kind of an ingrown doctrine in our law. Our Supreme Court, by a vote of six to three ruled wrong on the subject. They have been wrong before, too.

"All this law says is this. Now the purpose of this so-called implied consent law is no mystery to anyone. Everyone knows what its purpose is. It is to make it easier to convict people. It is an aid to lazy prosecutors and it is solely to get convictions. That is the whole purpose of the law. That is exactly what is for, so they can say, 'You go and blow in the thing and then we will use that evidence to find you guilty.' That is the exact purpose of the law, avowed purpose. Now this says that if a man goes in and pleads guilty, that is what you wanted it for in the first place, you do not need to treat him differently than the other fellow because that is all you wanted it for anyway. So we are saying that if the person pleads guilty you may then treat him the same as you would have treated him had he blown in it and pled guilty, so that you do not put a penalty on the non-blower six times what you put on the other fellow, which is the present law. In fact, it is worse than that because now the man who blows can get an occupational. The non-blower cannot even get an occupational. He can go on welfare. He cannot even get an occupational. So all this says is that if a man, the next morning when he is thinking a littler clearer, says 'I made a mistake last night. I should have blown in it like the fellow told me to. I did not fully understand it. I now am willing to plead guilty.' You can have your pound of flesh but please do not take a quart of blood too. That is all you are saying. So if a man pleads guilty you treat him just the same as you would have had he blown in the thing. And again, that is all you wanted was to get him found guilty, didn't you? You have won it. You have got what you wanted. So why say a man cannot work for six solid months? That is all the law says. It is very clear and it says it need not necessarily lose it. The court can still take it if the court wants to. But it eliminates the mandatory rescission. That is all it does. It is not confusing to anyone."

Debate ensued.

Senator Washington: "I had asked Senator Woodall and I thought I probably still had the floor after the answer which had been given. I would like to again point out that Senator Woodall made a very stirring plea for the bill itself but you still have not, in my mind, explained the wording here which gives very strong indications that there will be a difficulty even in revoking a license after a plea of guilty. And also just briefly following what Senator Clarke has said, one of our main problems with the judicial handling of drunk driving cases has been the very marked propensity to defer sentence, to find particularly for deferring sentence and particularly in a case such as this where they are not able to find out exactly how drunk a person is. I think we are going to find many more deferred sentences. We are going to have a lot more persons who actually should have their license revoked or should suffer some definite penalty as far as fines or imprisonment are concerned. The judge is not

going to be able to have that information. I think we can just about say that in any case where a person does feel that he possibly is going to be found guilty is not going to take the breathalyzer. You are not going to have that information and we are going to have lots more deferred sentences and we are going to continue to have an increasing number of persons who have the habit of drinking and driving. We are going to continue to have them on the road. I think we are just very seriously taking away from the court the ability to make some very good decisions as to who should have a deferred sentence and who should actually have his driver's license taken away from him right after the conviction. This is a very serious step we are taking and it is going to, I am convinced, have lots more people with a propensity to drive while drunk on our highways."

Further debate ensued.

POINT OF INQUIRY

Senator Day: "Will Senator Murray yield to a question? You stated that if this thing tested below .10 that that is positive proof that you are not intoxicated, is that correct?"

Senator Murray: "No, the statement that I made was that I doubted if the prosecutor would take you to court if you had a test that came out with that result."

Senator Day: "That is what I heard you say. At any rate, what I wanted to ask you was, what if the fellow had had a couple of grains of phenobarbital, maybe a couple of tranquilizers, and then had enough alcohol so it registered .05. He could be so drunk he could not hit the floor with his hat and he still would have passed the test. What I am really asking is, were there any drugs utilized in this other than the drug, alcohol?"

Senator Murray: "No, and we are not talking about drugs. That requires a different test. It is a different charge."

Senators Talley, Walgren and Sandison demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 2488.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2488 and the bill passed the Senate by the, following vote: Yeas, 26; nays, 19; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jones, Keefe, Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Newschwander, Peterson (Lowell), Twigg, Van Hollebeke, Walgren, Woodall, Woody—26.

Voting nay: Senators Bailey, Bottiger, Canfield, Clarke, Guess, Jolly, Knoblauch, Lewis (Bob), Metcalf, Murray, Odegaard, Peterson (Ted), Sandison, Scott, Sellar, Talley, Wanamaker, Washington, Whetzel—19.

Absent or not voting: Senator Rasmussen—1.

Excused: Senators Durkan, Gardner, Stortini—3.

ENGROSSED SENATE BILL NO. 2488 having received the constitutional 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 Woodall, Engrossed Senate Bill No. 2488 was ordered immediately transmitted to the House.

THIRD READING

SUBSTITUTE SENATE BILL NO. 2910, by Committee on Constitution and Elections (originally sponsored by Senator Grant):

Relating to elections.

MOTION

On motion of Senator Grant, Substitute Senate Bill No. 2910 was re-referred to the Committee on Constitution and Elections.

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

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 1075 was ordered to hold its place on the second reading calendar for Thursday, September 13, 1973.

SECOND READING

SENATE BILL NO. 2132, by Senators Murray, Fleming and Bottiger:
Providing for a state criminal justice commission and training center.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2132 was substituted for Senate Bill No. 2132 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, Substitute Senate Bill No. 2132 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: "Would Senator Murray yield? Senator Murray, I do not have a copy of the substitute bill but how is the final selection of the site to be made?"

Senator Murray: "Actually, all reference to a site as such is eliminated. In other words, this will establish a new Criminal Justice Training Commission which supersedes the existing Law Enforcement Officers Training Commission. They will be authorized to set standards and make such arrangements as they wish with any college, the Seattle Police Department, for the judges, the prosecutors and the corrections people will all be included but there is no new appropriation. They will have the authority to merely do the same thing that the existing Law Enforcement Officers Commission does unless they can get additional funding from LEAA."

Senator Bailey: "Another question. Is there any danger that this commission will get the money from whomever it be and obligate that money in such a way that we will come back here in another year and find out they have absolutely determined where this operation is going to be by a previous commitment and then we are bound to accept and to take over what they have done? I would like to be sure the legislature has a handle on it, that the commission must come to the legislature for an authorization as to the exact site."

Senator Murray: "I am sure that that will be the case. That is certainly the intent of the bill."

Senator Bailey: "That they will be able to obligate the money and establish the . . ."

Senator Murray: "They will not have any state money to obligate under any circumstances under this bill, for major site selection, I will put it that way."

Senator Bailey: "Senator Murray, the problem I have is if you get a lot of federal money and you invest heavily in a certain site, then we are going to be obligated to provide the state money to keep it going after that. That is what I wanted to be assured, that this commission will not make an obligation to which we are then responsible a little later and we cannot afford to get out of because you have already put money into what is in a certain site."

Senator Murray: "To the best of my knowledge there is nothing in this bill that would permit them to obligate the state of Washington to a physical facility that we would be legally bound by."

MOTION

At 5:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Thursday, September 13, 1973.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, September 13, 1973.

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 Gardner, Greive, Lewis (Bob), Matson, Mattingly, Twigg, Walgren and Woody. On motion of Senator Keefe, Senator Woody was excused. On motion of Senator Grant, Senator Gardner was excused. On motion of Senator Scott, Senator Twigg was excused.

The Color Guard, consisting of Pages Beverly Metcalf and Mark Miller, presented the Colors. Reverend James S. Dolin, pastor of Emmanuel Baptist Church of Olympia, offered the following prayer:

“OUR FATHER, WE THANK YOU FOR THE BLESSINGS OF FREEDOM AND LIBERTY THAT WE ENJOY IN THIS GREAT LAND OF OURS. WE THANK YOU FOR THE DEVOTED STATESMEN WHO HAVE STOOD FIRM IN THEIR CONVICTIONS AND WHO HAVE GIVEN THEIR LEADERSHIP TO MAKE OUR COUNTRY STRONG AND FREE AND LOVELY. WE THANK YOU FOR THIS BODY OF LEADERS: FOR THESE MEN WHO ARE RESPONSIBLE FOR THE LAWS WHICH GOVERN THE PEOPLE OF THIS GREAT STATE OF WASHINGTON. WE RECOGNIZE THAT THE DECISIONS WHICH FLOW FROM THIS ASSEMBLY ROOM HERE TODAY WILL AFFECT EVERY CITIZEN OF OUR STATE. SO WE PRAY FOR DIVINE WISDOM, FOR THE DIRECTION OF THE HOLY SPIRIT OF GOD TO REST UPON THIS ASSEMBLY AND THAT EVERY DECISION MADE TODAY AND THROUGHOUT THIS SESSION WILL BE ACCORDING TO THY DIVINE WILL AND FOR THE WELL BEING OF ALL THE CITIZENS OF OUR STATE. WE PRAY THIS FOR THY NAME’S SAKE. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

September 12, 1973.

SENATE BILL NO. 2494, providing funding for convention centers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Gardner, Grant Lewis (Harry), Mardesich, Marsh, Metcalf, Newschwander, Peterson (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

September 12, 1973.

HOUSE BILL NO. 458, amending the partial benefit formula for unemployment compensation (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Matson, Mattingly, Woody.

Passed to Committee on Rules for second reading.

September 12, 1973.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 487, changing the definitions relating to lotteries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Atwood, Dore, Greive, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

LETTER OF INFORMATION

September 12, 1973.

MR. PRESIDENT:

The Senate Natural Resources Committee has considered the veto message on Senate Bill No. 2918 and has chosen to take no action against the veto.

Sincerely yours,

LOWELL PETERSON, Chairman
Committee on Natural Resources.

MESSAGE FROM THE HOUSE

September 12, 1973.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2112,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2463, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2983, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Clarke, Murray, Jones, Connor, Herr, Keefe, Twigg and Francis):

An Act relating to public assistance; and amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 13, chapter 173, Laws of 1969 ex. sess. and RCW 74.12.010; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2984, by Senator Fleming:

An Act relating to expenditures for EXPO '74; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2985, by Senators Herr and Lux:

An Act relating to privacy; prohibiting the interception, recording, or divulging of private messages; adding new sections to chapter 9.73 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2986, by Senators Greive, Herr and Woodall:

An Act relating to holidays; designating the twenty-first day of June as a legal and school holiday, to be known as Latin American Day, amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 11, Laws of 1969 and RCW 1.16.050; and amending section 13, chapter 283, Laws of 1969 ex. sess. as amended by section 1, chapter 32, Laws of 1973 and RCW 28A.02.061.

Referred to Committee on State Government.

SENATE BILL NO. 2987, by Senator Lux:

An Act relating to the supreme court; amending section 1, chapter 24, Laws of 1909 and RCW 2.04.070; amending section 2, chapter 24, Laws of 1909 as last amended by section 1, chapter 81, Laws of 1971 and RCW 2.04.071; amending section 4, chapter 24, Laws of 1909 and RCW 2.04.150; and amending section 5, chapter 24, Laws of 1909 and RCW 2.04.170.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 140, by Senators Grant and Metcalf:

Amending the constitutional veto power of the governor (SSJR 104):

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 141, by Senators Grant and Metcalf:

Amending Article III, section 12 of Washington Constitution.

Referred to Committee on Constitution and Elections.

MOTION

At 10:15 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

AFTERNOON SESSION

The President called the Senate to order at 2:10 p.m.

MOTION

On motion of Senator Van Hollebeke, Senator Stortini was excused.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2112,
 SUBSTITUTE SENATE BILL NO. 2463,
 SENATE BILL NO. 2659,
 SENATE BILL NO. 2915,
 SENATE BILL NO. 2944,
 SENATE BILL NO. 2945.

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

REPORTS OF STANDING COMMITTEES

September 12, 1973.

SENATE BILL NO. 2978, establishing a program of baseline studies by the department of ecology (reported by Committee on Ecology):

MAJORITY Recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

September 12, 1973.

SENATE BILL NO. 2983, amending the definition of "dependent child" (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Herr, Keefe, Twigg.

Passed to Committee on Rules for second reading.

September 12, 1973.

ENGROSSED HOUSE BILL NO. 1126, implementing law authorizing outdoor fires (reported by Committee on Ecology):

Recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Mardesich, the Senate was declared to be at ease.

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

MOTION

On motion by Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2964.

SECOND READING

SENATE BILL NO. 2964, by Senator Gardner:

Authorizing gifts, grants and conveyances to school districts and providing for the administration thereof.

REPORT OF STANDING COMMITTEE

September 12, 1973.

SENATE BILL NO. 2964, authorizing gifts; grants and conveyances to school districts and providing for the administration thereof (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 11, strike "and" and insert "or".

Signed by: Senators Gardner, Chairman; Bottiger, Fleming, Murray, Odegaard, Peterson (Ted).

The bill was read the second time by sections.

Senator Bottiger moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bottiger yield to a question? Senator Bottiger, on this digest it says 'The Senate committee amendment allows the property to be used for the benefit of school districts or students'. Now my question is this, I thought that the school districts were organized for the sole purpose of being for the benefit of the students."

Senator Bottiger: "Senator Rasmussen, I am sure they are. It is a grammatical change to permit the gift to be used for the school district or student purposes."

Senator Rasmussen: "That is the part I do not understand."

Senator Bottiger: "I think you could argue that the bill grammatically presumes or puts into statute a presumption we have all shared for years, that school districts are for children. You are talking about a technical amendment to allow the gift to be used for school district or student purposes and the entire amendment is changing 'and' to 'or.'"

Senator Rasmussen: "I would prefer that the gift be used for student purposes rather than school district."

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

On motion of Senator Bottiger, Engrossed Senate Bill No. 2964 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Bottiger yield? Senator, you are not earmarking or pinpointing where these funds go. These can be large contributions. Do they go for M and O or just anything?"

Senator Bottiger: "Senator Peterson, I frankly cannot get technical in the answer with you. I would presume it would be up to the giver. If he gives a swimming pool it would be a capital gift. If he gives some books, I do not know. If he gives some pencils and paper it would be a M and O gift. It would depend on what he gave, I guess."

Senator Peterson (Ted): "Who decides this then?"

Senator Bottiger: "Whoever gives the property."

Senator Peterson (Ted): "Oh, the school board directorship does not have anything to do with where it goes?"

Senator Bottiger: "If he gave cash, Senator Peterson, and it was unrestricted I would presume the school district could decide whether it was an M and O use or a capital use, but that would be in the event the giver did not specify what it was to be used for. Senator Jackson has made gifts to the Everett school district. Shoreline school district has received gifts. And now someone is challenging the question of whether they can accept them and we are going to leave it up to the giver and the school district of what they do with these things."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to one more question? Senator Bottiger, this probably is not revelant but in the event somebody like Mrs. Merriwether Post, would will her entire fortune to the school district, would there then be a deduction at the state level for pupil maintenance because this district no longer needed . . ."

Senator Bottiger: "Senator Rasmussen, I do not have any idea. What we are talking about is the Kiwanis Club giving baseball uniforms to the high school team. Now in the event somebody is going to leave a million dollars to a school district I am sure Governor Evans will call a special session and we will decide."

Senator Rasmussen: "I did not get my answer but that is the way it is, I guess."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2964, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Atwood, Francis, Greive—3.

Excused: Senators Gardner, Stortini—2.

ENGROSSED SENATE BILL NO. 2964 having received the 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 Durkan: "After the Ways and Means Committee meeting today someone had left my horoscope on my desk and I just wanted to read it for the members and I just want you to know I did not have a chance to read it earlier. It says, 'Step lightly, with measured gait. Don't chafe at roadblocks. Take all with calmness and deliberation. You may exceed your highest expectations.' Now I just want the members of my committee to know, had I read the horoscope this morning I would have been twice as bad."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I think we could shorten that up and just say, 'Senator Durkan, proceed as usual.'"

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, I have long wondered where Senator Durkan got his guidance and it appears that I have been right, he gets it from the stars."

MOTIONS

On motion of Senator Fleming, Senator Francis was excused.

On motion of Senator Mardesich, the Senate will immediately commence consideration of Senate Bill No. 2043.

SECOND READING

SENATE BILL NO. 2043, by Senators Francis, Clarke and Woody:

Providing for jurisdiction in certain actions for divorce, annulment or separate maintenance.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Senate Bill No. 2043 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2043 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Greive—1.

Excused: Senators Francis, Gardner, Stortini—3.

SENATE BILL NO. 2043 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2494, by Senators Matson and Woodall:
Providing funding for convention centers.

REPORT OF STANDING COMMITTEE

September 12, 1973.

SENATE BILL NO. 2494, providing funding for convention centers (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, section 5, line 11, after "any" and before "county" strike "class AA" and insert "[class AA]".

On page 5, section 5, line 11, after "county" and before "and" on line 12 strike "*class A county, county of the first class*".

On page 5, section 5, line 12, after "city" and before "is" on line 14, strike "of the first class having a population of one hundred fifty thousand or more not situated in a class AA county," and insert "[of the first class having a population of one hundred fifty thousand or more not situated in a class AA county]".

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Gardner, Grant, Lewis (Harry), Mardesich, Marsh, Metcalf, Newschwander, Peterson (Ted), Sandison, Scott.

The bill was read the second time by sections.

On motion of Senator Sellar, the committee amendments were adopted.

Senator Canfield moved adoption of the following amendment:

On page 2, section 2, line 13, after "bodies" and before "submitting" strike "without" and insert "[without] after".

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Whetzel yield? Senator Whetzel, as I read this part of section 2 it says that these municipalities make commitment to the financing of all or part of the project. And this had been without a vote of the people. Do you object to that statement?"

Senator Whetzel: "Well I do not know what it means in participation in financing. I assume that the communities might agree to participate in financing by issuance of revenue bonds, by general appropriations, by general obligation bonds. I think you have to then look to those sections of the law that specify how a community sets up its bond issues to provide that. What this language in here is doing is simply saying that these joint agreements between these communities dealing with the conveyance or lease of land, properties or facilities or financing are not in themselves matters that under other laws require a vote of the people unless, in fact, those laws applicable to the incurring of municipal indebtedness shall require such submission. I think that is why this language was put in here to make clear that joint agreements where some communities might come together and agree to participate in financing do not require a submission to the vote of the people. I do not know what kind of situation this might create for King County or the city of Seattle, if it creates any situation at all, but I think to come up with this floor amendment and put it in this place is inappropriate and ought not to be done without some consideration as to whether this will have some impact on existing facilities. As I say, I do not know whether it does or not. I just think that this is the inappropriate place to provide for these kinds of agreements to be submitted to the vote of the people. You would tie the hands of any communities that tried to get together in anything that they tried to do would have to go to the vote of the people. In Seattle our stadium has been to the vote many, many times."

Senator Canfield: "Senator Whetzel, may I proceed further? Are you aware of how these are to be financed under this act, these convention facilities?"

Senator Whetzel: "I understand that they are financed, in this bill one means is by revenue bonds."

Senator Canfield: "Yes. And do you know what the other one is? May I call your attention to page 4, lines 16 to 20, which state that if the revenue bonds do not cover the debt, then I will read, 'the holder of any such bond may bring action against the municipality and compel the performance of the covenant.'"

Senator Whetzel: "That is what it says, 'compel the performance of the covenants of the bonds.' It does not say that the community is liable above and beyond the obligations of the face amount of the revenue bonds. If they are revenue bonds tied to a specific source you cannot get into the general fund by this language in this particular part of the bill."

Debate ensued.

POINT OF INQUIRY

Senator Herr: "Would Senator Whetzel yield? You know, Senator Whetzel, you and I get along well together?"

Senator Whetzel: "We certainly do."

Senator Herr: "But the thing that I would like to know is what is wrong with putting up any bond issue to a vote of the people, and I think this is the basic thing that we are trying to get to. And I think that it is something that is important to each and every citizen in the state of Washington that we do this. Don't you, Senator?"

Senator Whetzel: "Senator Herr, our Constitution and our statutes require the submission of bond issues to the people. What I am saying is that this amendment is not in part of the bill that relates to bond issues. It relates to joint agreements between the municipalities and that is something that would simply handicap the facilitation of those agreements if every detail had to be submitted to the vote of the people. I say, if you are talking about general obligation bond issues, that should be submitted to the people and if it meets the appropriate requirements. We do have some GO bonds that are not required to be submitted to the people. When they exceed a certain amount they are. If this bond is going to exceed that amount it should be submitted."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Canfield yield to a question? Senator Canfield, in this legislation it carries the authorization to use a portion of the sales tax for the support of these various functions?"

Senator Canfield: "As I read the bill it is an additional hotel-motel accommodations tax."

Senator Rasmussen: "Right. And then in addition, if they could float bonds on the strength of the revenues received from this hotel-motel tax?"

Senator Canfield: "That is correct."

Senator Rasmussen: "And they would issue bonds against this tax and the tax was not sufficient for some reason or other, it was deficient to carry the bonds, then the law also provides it would go back to the people and they would have to make good. Is this correct?"

Senator Canfield: "Well, I read the part of the act that says that if the municipality does not fulfill the contract, that the bond holders can compel the fulfillment of the covenant. I understand that to mean if the municipality would be sued and would get a judgment they would have to raise it through general taxation. So it appears to me it could be a potential general obligation against all the taxpayers in that affected district, is the way I read it. Now I want to make it clear to you gentlemen that I am in favor of a convention center for any city that wants it. All I am asking, again, is it be subject to a vote of the people."

POINT OF INQUIRY

Senator Bailey: "Maybe Senator Whetzel can answer this. I think it is the same

question that someone else asked. This is not an additional tax, is it? Isn't this a portion of the state sales tax now collected by hotel and motel accommodations?"

Senator Whetzel: "Yes, it is, Senator Bailey. I think, my memory is a little hazy on this. I handled this bill in the House when it went through. My recollection is that financing the stadium in King County did require a vote of the people. It was one of the Forward Thrust votes. This was after we had tried it before, before this legislation passed, as a general property tax obligation. It had been defeated. That these are revenue bonds, based on the revenues from the stadium, they are backed up by this claim against the sales tax on hotel and motel lodgings. There is, I do not believe, any responsibility, general obligation responsibility. Now that is my memory. I am not certain I am entirely correct. If we can put the bill over I will be happy to take a look at the statute and then I think we can get the exact information."

MOTIONS

On motion of Senator Bailey, Senate Bill No. 2494, together with the adopted committee amendments and the amendment moved for adoption by Senator Canfield to page 2, section 2, line 13, was made a special order of business for 5:00 p.m. today.

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 785 on third reading.

THIRD READING

ENGROSSED HOUSE BILL NO. 785, by Representatives Conner, Brown, Bausch, Douthwaite, Chatalas and Wojahn:

Increasing the minimum wage.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Peterson (Lowell): "Would Senator Metcalf yield? Senator Metcalf, the material that you have referred us and that you had placed on our desks, which you admittedly stated that you do not know who the Free Society Association Incorporated is or where the information came from except by their statement that it came from Washington, D.C."

Senator Metcalf: "I am sorry, Senator Peterson. I should have explained more fully. This is just a page from Professor Banfield's book and it is on the next page after page 97. This is the chart to which he refers in the statement. I mean, these three pages were three pages from the book and I should have made that clear. That was the source of it, his book which as I say is a textbook."

Senator Peterson (Lowell): "My question is, Senator Metcalf, do you believe that in September of 1973 that we are considering 1966 statistics that have been prepared by a society that you and I neither one know anything of or who they are?"

Senator Metcalf: "I think that we would be absolutely irresponsible to ignore the clear data on this chart. Now I will concede to you this. Our rate, the percentage of minorities in our state is not as large as it is in Chicago or some of the cities in the East, and probably the damage is not that dramatic relative to the over-all population. But it does not need to be very dramatic to the person who you will throw out of a job by your vote today if you vote for this. It does not need to be very dramatic. It does not need to hit twenty thousand or four hundred thousand people. Those people that you are throwing out are the ones that I am trying to protect today by this unwise action."

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Will Senator Grant yield? It is my understanding that the bill we

have before us does not include persons under the age of eighteen. Am I correct in that assumption?"

Senator Grant: "It does not include domestic workers and it does not include agricultural workers. It does not broaden the minimum wage coverage at all. It only sets the new rates and those rates are minimal. A dollar eighty beginning January, 1974, two dollars in 1975."

Senator Washington: "One other question. I take it that the federal minimum wage does cover teen-agers. I am wondering if it does because of the graph that was given us by Senator Metcalf."

Senator Grant: "I am not sure that is the case, Senator."

Senator Washington: "Well then it does not include persons under the age of eighteen? In other words, those under eighteen are not included. I think I have the answer, Senator Grant."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 785 and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lux, Mardesich, Marsh, Mattingly, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Talley, Van Hollebeke, Walgren, Washington, Whetzel, Woody—29.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Bob), Lewis (Harry), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Woodall—17.

Excused: Senators Francis, Gardner, Stortini—3.

ENGROSSED HOUSE BILL NO. 785, having received the 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'S PRIVILEGE

The President: "Honored and esteemed members of the Senate, ladies and gentlemen, even though this is a mini-session and time is pressing, the President is sure that the members of the Senate would join in an occasion to honor a long time member of the Senate staff, our very good friend, Mr. Charlie Gerold."

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee consisting of Senators Atwood, Lewis (Harry), Bailey and Mardesich to escort Mr. Gerold to a place of honor upon the rostrum.

PRESIDENT'S PRIVILEGE

The President: "Friends of Charlie Gerold, and that of course includes every member in the Senate, every staff member, every member of the fourth estate and any persons who at any time in their lives have ever had the privilege and the pleasure of meeting Charlie, the friendship that exists between Charlie and me goes back to many, many years. I think perhaps longer than any member of the Senate, because Charlie came up to Queen Anne Hill many years ago and of course our paths crossed early. Charlie has compiled a brilliant career in the field of journalism and has served with the highest distinction in that career, and the President does not have to remind anyone here in the Senate of the value and the qualities of his remarkable contribution to the members of the Senate for many years. Charlie, it is certainly more than an honor and a privilege to have the opportunity to call upon the Secretary of the Senate to read a resolution."

MOTION

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

SENATE RESOLUTION 1973-150

By Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, James, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody:

WHEREAS, On September 1, 1973, Charles A. "Charlie" Gerold submitted his resignation as Chief Clerk for the Republican Caucus; and

WHEREAS, Realizing Charles A. "Charlie" Gerold served faithfully and competently as a member of the House of Representatives of the state of Washington and as Chief Clerk for the Republican Caucus for a period of twenty-three years; and

WHEREAS, During this period of time "Charlie" was well known to all who entered the Senate Chambers; and

WHEREAS, Realizing "Charlie's" enthusiasm and presence served as an inspiration and that his absence will leave a void in the Senate Chambers,

NOW THEREFORE BE IT RESOLVED, By the Senate of the state of Washington in legislative session assembled, that the Senate congratulates and commends Charles A. Gerold for a job superbly done; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Charles Gerold.

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President, I say very little on the floor of the Senate but I feel today I should get up and say something. Senator Washington and myself and perhaps Senator Woodall had the privilege of serving with Charlie Gerold in the House in 1950. Our friendship to Charlie goes back a long time. I sit here and look toward the Republican side quite often and I cannot help but notice how Charlie Gerold treats his Republicans like Senators like to be treated. He has been a mother hen to you gentlemen on the other side of the aisle. He has been extremely loyal and extremely respectful to all members of the Senate, and I say that as a member of the Democratic majority. Charlie, you are going to leave a real void in the State Senate. As an employee you have earned our respect and we know you as a good friend. You certainly have earned the tribute, Charlie Gerold, 'Well done, thou good and faithful servant..'"

REMARKS BY SENATOR WOODALL

Senator Woodall: "I would like to pay my respects to Charlie Gerold but I think that Reuben Knoblauch really outdid himself this afternoon. I think this is one of the finest things he has ever said. I think he covered it. I think he said it just right. I cannot think of any way I could improve upon it. I just want to say whatever you said was really right in there, Reuben, and I concur in everything you said fine concerning Charlie Gerold."

REMARKS BY SENATOR TED PETERSON

Senator Peterson (Ted): "Mr. President and members of the Senate and those within reach of my voice, Charlie, I want to say that it is wonderful to see you sitting up front there. When I installed you as President of the Queen Anne Magnolia Lions Club back in the late 1940's I never expected to see this happen to you and I am sure happy that it has. I know from our friendship, and Charlie, you were my first patronage here in the Senate when I came in in 1955 for the 1955 Session, and I know how happy you are and how happy your good wife, Ethel is, and I know how happy you will be up on Whidbey Island there in that beautiful home of yours there and I wish you the best of everything."

REMARKS BY CHARLIE GEROLD

Charlie Gerold: "Honorable Senators, or my boys, as I have called you many, many times, this is very difficult for me to be up here to say my goodbyes, and I know, after hearing all these beautiful, gorgeous remarks about me that if I had a vest on there would not be a button left. I enjoyed the many, many years that I have been here with all my associates. The employees, we have worked together, we have kidded each other together, and I remember a lot of you gentlemen many, many years ago when your hair was not as gray as it is either. I want to thank all of you from the bottom of my heart for this honor that you have given me. It is the greatest thing that ever happened in my life.

"I also want to take this time to thank my wonderful wife, who took a lot when I came up here all these years. We did not know when we were going to quit and when we were going to do this and when we were going to do that, and she is sitting in the gallery and I would like to have her stand up.

"So in closing, I am not going to say goodbye because I will be back off and on. I give you all my best wishes, each and every one of you. God bless you and may you have a long life. Thank you."

PRESIDENT'S PRIVILEGE

The President: "Thank you very much, Charlie. All the members and the President are certainly happy that you did not say goodbye because good friends do not say goodbye. They may say aloha, arivederci, au revoir, auf Wiedersehen, adios, shalom, but never goodbye. And many, many years of happiness to you and your beautiful wife Ethel. Congratulations, Charlie, on a job well done."

REMARKS BY SENATOR WOODALL

Senator Woodall: "There is one thing I would like to add, I think it would not be remiss at this moment, which comes to my mind. In these times when so many people are greedy and think of what they can get for themselves and some people kind of forget service, it is kind of refreshing to note that this particular man, because he was on social security, was limited how much he could earn in a year. I want you all to know that when our session ran over he said, 'Well, I cannot draw any more pay but I will never leave a job until it is done.' This man stayed on down here for many days at no compensation because he happened to enjoy it; he happened to believe in it; he happened to be doing his thing. And I think in this era of greed where everyone is trying to grab everything they can for themselves it is refreshing to know a man like this."

REMARKS BY SENATOR KEEFE

Senator Keefe: "We never say goodbye to Charlie. We say so long, good friends always meet again."

The President of the Senate, John A. Cherberg, presented an inscribed resolution to Mr. Gerold signed by all members of the Senate.

The members of the special committee escorted the honored guest, Charlie Gerold from the Senate Chamber.

MOTION

At 4:15 p.m., on motion of Senator Bailey, the Senate was declared to be at ease.

EVENING SESSION

The President called the Senate to order at 6:00 p.m.

MESSAGE FROM THE HOUSE

September 11, 1973.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2956 with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

“NEW SECTION. Section 1. That the following appropriations are hereby adopted and subject to the provisions set forth in the following sections or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed by the designated agencies and offices of the state and for other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF NATURAL RESOURCES
General Fund-Resource Management Cost Account Appropriation \$2,250,000

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF PERSONNEL
General Fund Appropriation: To implement the provisions of chapter . . . , Laws of 1973
2nd ex. sess. (SB 2603) \$1,411,000

NEW SECTION. Sec. 4. FOR THE TEACHERS' RETIREMENT SYSTEM
General Fund Appropriation: To implement the provisions of chapter . . . , Laws of 1973
2nd ex. sess. (HB 1121) \$985,000

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF ECOLOGY
General Fund Appropriation: For implementation of the Environmental Coordination
Procedures Act of 1973, chapter 185, Laws of 1973 1st ex. sess. \$500,000
General Fund Appropriation: For planning, establishment, and completion of biological
baseline studies of state waters in which the greatest risk of damage from oil spills exists
for the biennium ending June 30, 1975 \$500,000

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH
SERVICES
General Fund Appropriation: Additional funds required for implementation of new
distribution formula for state alcoholism programs during the biennium ending June 30,
1975, in accordance with the joint approval of the Senate and House Social and Health
Services Committees \$350,000

NEW SECTION. Sec. 7. FOR THE WASHINGTON STATE HIGHWAY COMMISSION
Motor Vehicle Fund Appropriation: To continue the agreement, in accordance with chapter
. . . , Laws of 1973 2nd ex. sess. (SB . . .), between Wahkiakum County and the Highway
Commission for the operation and maintenance of the Puget Island Ferry for the
biennium ending June 30, 1975 \$40,000

NEW SECTION. Sec. 8. Notwithstanding any other provision of law or rule and/or
regulation, the superintendent of public instruction is authorized to use one-quarter of one
percent, but not to exceed \$300,000, of the amount appropriated for apportionment
purposes in section 2, chapter 134, Laws of 1973 1st ex. sess., for the purpose of obtaining
federal matching funds for special research projects related to handicapped children, special
education, school dropouts or related pilot projects or programs approved by the federal
government for matching purposes.

NEW SECTION. Sec. 9. Notwithstanding any other provision of law or rule and/or
regulation, the superintendent of public instruction is authorized to expend an amount not
to exceed \$47,000 for expenses incurred in the training of school bus drivers from the
amount appropriated for school district transportation reimbursement in section 2, chapter
134, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 10. Notwithstanding any other provision of law or rule and/or
regulation of the superintendent of public instruction and the state board of education in
order to implement the provisions of chapter 66, Laws of 1971 ex. sess., the superintendent
of public instruction is hereby authorized to expend from the common school construction
fund appropriation contained in section 19, chapter 114, Laws of 1973 1st ex. sess., an
amount not to exceed \$1,500,000 for the purpose of renovation and construction of capital
facilities designed to serve handicapped children as provided for in chapter 66, Laws of 1971

ex. sess.: PROVIDED, That the superintendent of public instruction shall report on anticipated expenditures to the Legislative Budget Committee for approval prior to committing any of these funds.

NEW SECTION. Sec. 11. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation: To implement a training and informational program, during the biennium ending June 30, 1975, designed to train teachers, teacher representatives, superintendents, school board members, other administrators, and interested parties in the methods and procedures for using professional negotiations constructively \$125,000

NEW SECTION. Sec. 12. Notwithstanding the provisions of sections 2 and 3 of chapter 134, Laws of 1973 1st ex. sess., the Superintendent of Public Instruction may expend unanticipated federal receipts without placing an equal amount of state dollars into reserve status if the expenditure of such dollars is authorized by the state legislature, if in session, or by the Legislative Budget Committee during the interim between legislative sessions: PROVIDED, That this section shall apply only to federal funds which by federal restrictions are not available to replace state funds.

Sec. 13. Section 31, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund Appropriation: PROVIDED, That \$865,071 shall be made available solely for the support of the Fire Safety and Regulation Program: *PROVIDED, That on all informational material distributed by order of the State Fire Marshal or the State Insurance Commissioner, the signature or the name of the Insurance Commissioner shall not be larger than the smallest print on that material \$[3,920,761]3,453,761*

Sec. 14. Section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation: PROVIDED, That [\$594,866,929] \$582,741,446 is from state funds and \$6,541,168 is from private and local funds and [\$417,713,198] \$424,838,681 is from federal funds: PROVIDED, That any proposal to expend moneys or man years from an appropriated fund or account in excess of appropriations provided by law, based upon the receipt of unanticipated revenues, shall be submitted to the House Ways and Means Committee and to the Senate Ways and Means Committee, if the state legislature is in session, or to the legislative budget committee during the interim between legislative sessions which may authorize the expenditure of unanticipated receipts during the legislative interim arising from federal sources, gifts or grants, by a majority of the members: PROVIDED, That the Department initiate negotiations with the federal government for federal administration of the state supplementation of the supplemental security income program and also initiate negotiations for the optional federal administration of eligibility for medicaid by the adult recipients: PROVIDED, That a draft negotiated contract shall be submitted to the Legislative Budget Committee or to the House and Senate Ways and Means Committees if the Legislature is in session by Sept. 15, 1973 for their review and such contract shall not be completed without legislative authorization: PROVIDED, That if the claim made by the state to the U.S. Department of Health, Education and Welfare on October 24, 1972 for reimbursement in the amount of \$32,876,903 is sustained or any portion of that claim is sustained such funds shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That all disputes arising between the state and the United States Department of Health, Education, and Welfare involving the state's claim to federal reimbursement of state expenditures as provided by the applicable provisions of Titles I, IV, X, XIV, XVI and XIX of the Social Security Act which would have the effect of reducing or increasing any appropriation or any part thereof shall be negotiated and settled only with the consent of a majority of the members of the House Ways and Means Committee and the Senate Ways and Means Committee: PROVIDED, That the sum of \$5,508,264 currently being held by the State Treasurer in Suspense Fund 705 pending the completion of a

federal review of the legitimacy of the claim for such moneys shall continue to be held and no allocation or disbursements of these funds, except to repay the federal government if necessary, shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That if the Department claims additional matching for the period of October 1, 1972 through June 30, 1973, or any portion thereof, such moneys shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That the department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads and that caseloads are kept within the estimates for which funds are herein provided: PROVIDED, That compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the Department shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower the maximums presently imposed: PROVIDED, That the agency charged with the responsibility for performance or management audits shall periodically monitor departmental management to insure that compliance with these provisions is being maintained: *PROVIDED FURTHER, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend state funds to maintain affected programs at the level appropriated by this 1973 amendatory act through February, 1974* : PROVIDED FURTHER, That this appropriation shall be expended for the following

purposes	\$[1,019,121,295] 1,014,121,295
Adult Corrections and Rehabilitative Services Program	\$42,208,916
Juvenile Rehabilitation Program: PROVIDED, That it is the intent of the legislature that the delinquency prevention program shall be continued	\$29,994,492
Mental Health Program: <i>PROVIDED, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$231,000 in state funds to maintain the Drug Program at the level appropriated by this 1973 amendatory act through February, 1974: PROVIDED FURTHER, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$93,780 in state funds to maintain the Alcohol Program at the level appropriated by this 1973 amendatory act through February, 1974</i>	\$51,994,015
Developmental Disabilities Program: PROVIDED, That \$115,050 is appropriated for auditory training systems for use at the state school for the deaf: PROVIDED, That of the new positions authorized in this act twenty-five shall be developmental disability community workers added during the first year of the biennium and an additional twenty-five developmental disability community workers to be added during the second year of the biennium: <i>PROVIDED, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$328,000 in state funds to maintain the Epton Centers at the level appropriated by this 1973 amendatory act through February, 1974</i>	\$70,118.192
Veterans' Services Program: PROVIDED, That the Department of Social and Health Services shall perform an in-depth study regarding the need for the Veterans' Home at Retsil, and the Soldiers' Home and Colony at Orting, and possible alternative approaches to provision of this service including, but not limited to, combining of the programs or closure of one or both homes, and the results are to be reported to the State Legislature prior to October 1, 1973	\$6,431,756
Income Maintenance Program: PROVIDED, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general	

assistance: PROVIDED, That of this sum \$3,817,082 in state moneys or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing a state supplement up to the aid to families with dependent children public assistance standards for recipients of unemployment compensation benefits who, except for the restriction on eligibility for those receiving unemployment compensation benefits, meet aid to families with dependent children eligibility standards: PROVIDED, That those recipients concurrently receiving unemployment compensation benefits shall not be eligible for additional state funded medical services beyond those services now available to such recipients: PROVIDED, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and necessary incidentals shall not exceed fifty percent of the amount which would be paid to such a recipient if he were living in his own home: PROVIDED, That of this appropriation \$3,611,163 of which \$1,692,552 is the state share, or so much thereof as shall be necessary, shall be utilized exclusively for the purpose of providing a five percent cost of living increase for recipients of aid to families with dependent children and general assistance from July 1, 1973 through June 30, 1975: PROVIDED, That the department shall report to the legislature the total amount of all moneys deposited in the state treasury in nonrevenue accounts and the total of all moneys received for nonassistance support collections accounts and that in no event shall the department utilize these moneys to establish new programs, to expand existing programs beyond legislatively authorized intent nor to supplant federal funds without specific legislative authorization: PROVIDED, That of this amount \$1,731,330 of which the state share shall be \$840,620 shall be utilized exclusively for the purpose of providing a five percent cost of living increase for old age assistance, aid to blind and disability assistance categorical recipients from July 1, 1973 through June 30, 1975: PROVIDED, That of this amount \$1,215,043 shall be utilized exclusively for the purpose of providing one hundred additional man-years and related costs within the employment level provided for in section 3 [of this act], *chapter 139, Laws of 1973 1st ex. sess.* consisting solely of welfare eligibility examiners of claims investigators and supervisors to be utilized in the local offices verification and overpayment control sections and such man-year allocations shall be so distributed as to provide the greatest impact upon insuring that income maintenance payments are made only to eligible recipients: PROVIDED, That within the employment level provided in section 3 [of this act], *chapter 139, Laws of 1973 1st ex. sess.*, not to exceed \$1,049,647 of this amount shall be utilized exclusively for the purpose of providing a total of seventy-six man-years and related costs for the "state investigative unit" whose responsibility shall be to investigate all complaints of fraud and to institute the proper corrective action: PROVIDED, That \$700,000 in state funds of this appropriation, or so much thereof as shall be necessary shall be used to provide a food bonus to those adult recipients under Title XVI of the Social Security Act who do not qualify under PL 93-86 for the food stamp and commodity program \$[350,162,055] 345,162,055

Community Social Services Program: PROVIDED, That \$2,000,000 of this appropriation shall be used to reimburse those nonprofit voluntary agencies enumerated under RCW 74.15.020 (3), (a), (b) and (c) for costs incurred in the administration, operation and maintenance of such agencies, such costs being in addition to the purchase of care for such children as otherwise authorized by law: PROVIDED, FURTHER, That \$786,064 in state funds, or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing for sixty man-years and related costs to continue the delinquency prevention program: PROVIDED, FURTHER, That the department may implement at its discretion a sliding scale of charges in accordance with existing statutes and regulations: AND PROVIDED FURTHER, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$66,375 in state funds to maintain the Day Care Staff for former and potential AFDC Recipients at the level appropriated by this 1973 amendatory act through February, 1974 \$102,176,039

[State] General Fund Appropriation: For day care services for former and potential AFDC recipients: PROVIDED, That if the Federal Government fails to provide Social Service

funds at the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$387,531 in state funds to maintain the Day Care services for former and potential AFDC recipients at the level appropriated by this 1973 amendatory act through February, 1974 \$4,067,000

Medical Assistance Program: PROVIDED, That the Department of Social and Health Services shall, commencing August 1, 1973 pay for skilled nursing care not less than the rates of \$12.82 per day per patient for Class I care, and \$10.00 per day per patient for Class II care, and shall pay not less than the rate of \$7.54 per day per resident for Intermediate care \$271,581,1²⁰

PROVIDED, That notwithstanding the provisions of RCW 18.51.090, the Department shall make a yearly inspection and investigation of all nursing homes; every inspection shall include an inspection of every part of the premises and an examination of all records including financial records, methods of administration, the general and special dietary, the dispersal of drugs, and the stores and methods of supply. The results of such inspection shall be made available to the House and Senate Ways and Means Committee and to the Legislative Budget Committee.

Public Health Program \$26,945,251

Vocational Rehabilitation Program: PROVIDED, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: PROVIDED, That an amount up to \$100,000 shall be allocated for the Radio Talking Book program for the blind: PROVIDED, That of this appropriation \$150,000 shall be made available exclusively for the purpose of development programs for eligible disabled clients who were in vocational rehabilitation programs pursuant to performance contracts between the department and private placement agencies: PROVIDED FURTHER, That such services shall be made available in a state-wide program that teaches disabled persons (1) How to inventory their work skills and relate such skills to the labor market; (2) Where jobs fitting their work skills are most likely to be available; (3) How to conduct a systematic search for employment and how to present themselves most favorably to a prospective employer; and (4) How and where education and training are available to develop or improve marketable work skills \$29,888,865

Administration and Supporting Services Program \$33,554,044

General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

 Medical Assistance \$5,100,000

 Vocational Rehabilitation \$25,000

General Fund Appropriation for grants to communities for mental health and mental retardation construction grants not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

 Mental Health \$1,115,996

 Developmental Disabilities \$303,197

Sec. 15. Section 2, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation: PROVIDED, That up to \$744,217 shall be expended for any new and implemented through chapter 275, Laws of 1971 ex. sess. (ESHB 151) in the 1971-73 biennium, and where evaluation merits continuance and for programs proposed in the 1973-75 biennium; in depth evaluations of project goals, effectiveness, applicability to other institutions, and provisions for continuation of viable projects shall be provided to the Council on Higher Education: PROVIDED, That in addition to the amounts budgeted in this appropriation for the Equal Opportunity Program the University shall expend \$160,000 for the biennium: PROVIDED FURTHER, That the funds contained in this section shall be reallocated so that up to \$293,200 may be available for arboretum purposes, which funds shall not be expended at any location other than the present University of Washington arboretum located in Seattle without the approval of the legislature: *AND PROVIDED FURTHER, That in order to prepare*

for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of regents shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of regents shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to December 31, 1973 \$141,005,919

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (Sub SB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel \$7,837,614
 Accident Fund Appropriation \$410,148
 Medical Aid Fund Appropriation \$410,148
 Sec. 16. Section 3, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

General Fund Appropriation: PROVIDED, That up to \$1,560,002 of this appropriation shall be made available to provide public support for the Spokane Nursing Center: That Washington State University is authorized to maintain a level of expenditure for agricultural extension and agricultural research which anticipates the receipt of \$533,000 in federal funds during the 1973-75 biennium for these programs: PROVIDED, That it is the intent of the legislature that if the federal funds are not received, any deficiency not to exceed \$533,000 shall be appropriated at the January, 1974, legislative session: [PROVIDED FURTHER, That up to \$100,000 of this appropriation be used for research in alternative methods to grass burning] AND PROVIDED FURTHER, *That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of regents shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of regents shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to December 31, 1973* \$[72,618,120] 72,518,120

General Fund Appropriation: For staff, design, and beginning construction of an underground distribution test site upon written assurances of full financial support from the Electrical Research Council for financing a major test site installation \$50,000
 General Fund Appropriation: *To accelerate and expand current research into alternative methods of burning grasses grown for commercial seed production pursuant to implementation of the Federal Clean Air Act* \$100,000

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (Sub SB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel \$3,368,612
 Sec. 17. Section 4, chapter 131, Laws of 1971 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That up to \$100,000 of this appropriation shall be made available for establishment and support of a Master of Social Work graduate program during the 1973-75 biennium: PROVIDED, FURTHER, *That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of trustees shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of trustees shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to December 31, 1973* \$[20,983,044] 20,858,676

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (Sub SB 2854)] 137 Laws of 1973 1st ex. sess. for faculty and exempt personnel \$684,383
 Sec. 18. Section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That Central Washington State College may expend an amount not to exceed \$125,000 to explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies: *PROVIDED FURTHER, That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of trustees shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of trustees shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to*

December 31, 1973 \$[22,148,218] 20,925,139

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (Sub SB 2854)] 137 Laws of 1973 1st ex. sess. for faculty and exempt personnel \$850,876

Sec. 19. Section 6, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation: PROVIDED, That an additional one hundred and fifty students may be enrolled for the 1973-75 school years and such enrollment growth shall be evaluated during the first legislative session in 1974 to determine the feasibility of funding additional enrollment growth: *AND PROVIDED FURTHER, That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of trustees shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of trustees shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to*

December 31, 1973 \$10,584,693

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (Sub SB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel \$245,372

Sec. 20. Section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: *PROVIDED, That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of trustees shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of trustees shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to*

December 31, 1973 \$[25,530,776] 23,924,489

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (Sub SB 2854)] 137 Laws of 1971 1st ex. sess. for faculty and exempt personnel \$1,032,000

Sec. 21. Section 8, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$2,042,714

Community College Capital Projects Fund: For bond sale expenses \$44,800

For distribution to the Community Colleges in accordance with chapter 28B.50 RCW.

General Fund Appropriation: PROVIDED, That up to \$150,000 shall be used for the design of a viable plan for a comprehensive management information system for the community college system and the development of a cost benefit analysis: PROVIDED, That none of these moneys shall be expended for the training of personnel: PROVIDED, That \$900,000 of this appropriation shall be administered by the State Board and used exclusively for disadvantaged programs: PROVIDED, That Olympia Vocational-Technical Institute shall not become a comprehensive community college and shall offer only those courses essential to vocational-technical education: PROVIDED, That those

community college districts conducting community involvement programs during the 1971-73 biennium shall continue to conduct such programs at least at the existing level of program operation: PROVIDED FURTHER, That up to [\$1,430,130] \$300,000 shall be distributed by the State Board to the respective district boards of trustees as reimbursement for tuition fees, operating fees, and services and activities fees waived for any student who has not completed the twelfth grade and who is so enrolled for the purpose of pursuing a high school diploma or certificate and who qualifies as a "needy student" pursuant to RCW 28B.15.520-28B.15.525 \$[135,400,216] 134,270,086

General Fund Appropriation: PROVIDED, That the State Board for Community College Education shall use this appropriation or so much as necessary to attract federal matching funds for Vietnam veteran programs and to help supplement the local districts educational efforts directed toward returning Vietnam veterans \$200,000

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other authorized by chapter [. . . (Sub SB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel: PROVIDED, That an amount equal to a 2% increase for faculty shall be distributed to each community college district: PROVIDED FURTHER, That each district board of trustees shall be authorized to utilize such funds for salary increases determined by such board to be appropriate \$2,173,112

General Fund Appropriation: For salary increases for part time faculty: PROVIDED, That these funds are for distribution to the community college districts to be used exclusively to increase the salaries and benefits of eligible part time faculty up to two-thirds of the average salary and benefits paid to full time faculty by the 1974-75 academic year; recognizing that differences exist in the responsibilities of part-time faculty, the State Board for Community College Education is directed to develop a definition of eligible part time faculty prior to distribution of any of these funds to the districts and that such definition shall include a compensation plan that recognizes the specific responsibilities assigned part-time faculty members \$3,456,000

Sec. 22. Section 76, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COUNCIL ON HIGHER EDUCATION

General Fund Appropriation: PROVIDED, That [\$1,800,000 of this appropriation shall be used as authorized by RCW 28B.10.830 through 28B.10.836 to aid Washington residents attending private institutions of higher education on a full time basis: PROVIDED FURTHER, That] \$2,800,000 shall be used for the purposes of the state student financial aid program authorized by RCW 28B.10.800 through 28B.10.824: PROVIDED FURTHER, That an amount not to exceed six percent of all such funds appropriated pursuant to the provisions of [RCW 28B.10.830 through 28B.10.836 and] RCW 28B.10.800 through 28B.10.824 may be used for administrative costs of the Council on Higher Education until June 30, 1975 \$ [5,499,967] 3,699,967

General Fund Appropriation: PROVIDED, That this appropriation shall be used for administrative purposes \$108,000

Sec. 23. Section 2, chapter 134, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING BOARD OF EDUCATION)

General Fund Appropriation: Office of the Superintendent of Public Instruction and Board of Education, including \$150,000 for the Pacific Science Center: PROVIDED, That not more than \$7,919,225 shall be from state funds: PROVIDED, That if any federal funds in excess of those estimated in this appropriation act are received or expended by the central office of the Superintendent of Public Instruction the Superintendent shall place an equal amount of state funds into reserve to be expended only with the approval of the Legislature: PROVIDED FURTHER, That, if all or any portion of budgeted federal funds are not made available pursuant to the elementary and secondary education act (Title V USC) during fiscal year 1973-74, the Superintendent of Public Instruction is authorized to allocate and expend up to the anticipated amount not received but not to exceed \$712,000 from state general fund appropriations for transportation, URRD, and handicapped children education excess cost programs for state office administration

during the 1973-74 fiscal year \$10,815,579

General Fund Appropriation for General Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled - 1.0; each full time equivalent student; each full time equivalent student enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the state Superintendent, an added - 1.0; all identified culturally disadvantaged children receiving an approved program, an added - .1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts shall be used; for school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1972-73 school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 biennium unless their enrollment exceeds 250 students in grades 9-12 or for nonhigh districts unless their enrollment exceeds 100 students: PROVIDED, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation; full time equivalent students residing on tax exempt property (chapter 130, Laws of 1969), an added - .25; full time equivalent students in an approved interdistrict cooperative program (chapter 130, Laws of 1969), an added - .25: PROVIDED FURTHER, That not to exceed \$400,000 is included for use by the Superintendent for school district emergencies: PROVIDED, That not to exceed \$14,703,380 is included for the five vocational-technical institutes: PROVIDED, That not to exceed \$411,754 is included for adult education in vocational-technical institutes: PROVIDED, That no portion of these funds shall be allocated to a school district which expends or anticipates expending moneys in excess of their certified budget or budget extensions thereto as filed with the office of the Superintendent of Public Instruction and Board of Education: PROVIDED, That a subsequent special or regular session of the Legislature may modify the appropriation as a result of economic or demographic changes which affect the total number of students to be served or the availability of local finances: PROVIDED, That for purposes of distributing general fund appropriations for apportionment, through the school equalization formula, the amount of adjusted local property tax revenues computed for any school district shall not exceed the amount of the revenues that would be produced using the indicated ratio used by the district in the previous year by more than five percent \$463,918,054

Federal Revenue Sharing Trust Fund Appropriation for
 General Apportionment \$105,532,078

General Fund Appropriation for state matching of federal food service funds, as required by P.L. 91-248 and for continuation of salary increases granted from state funds during 1969-71 \$3,412,808

General Fund Appropriation for state contribution to participating school districts to fund employee health benefits: PROVIDED, That these funds shall be distributed to those participating districts on an equal amount per staff full-time equivalent . . . \$12,321,880

General Fund Appropriation of two mills of property tax to be distributed in accordance with RCW 28A.48 \$40,482,000

General Fund Appropriation of state forest funds to be distributed \$1,610,000

General Fund Appropriation for allocation to Intermediate School Districts . . \$1,901,360

General Fund Appropriation for supplementary education and cultural enrichment \$1,000,000

General Fund Appropriation: To provide assurance that the budgeted funding level for the institutional education program for the 1973-74 school year shall maintain the current level of per pupil expenditure as was provided in the 1972-73 school year: PROVIDED, That the receipt of any federal funds in excess of \$1,387,488 for the institutional education program for 1973-75 will result in an equal amount of this appropriation being reverted to the State General Fund: PROVIDED FURTHER, That the Superintendent of Public Instruction shall submit to the 1974 Legislature an institutional education budget request for the 1974-75 school year which shall be based on new data regarding enrollment projections, federal funding, and cost per pupil		\$603,972
General Fund Appropriation for state institutional education program: PROVIDED, That not more than \$5,701,178 shall be from state funds		\$9,169,898
General Fund Appropriation for Handicapped Children—Excess Costs: PROVIDED, That there shall be appointed a nine member commission to review the handicapped education program, three members to be chosen by the governor and six members by the superintendent of public instruction: PROVIDED, That the commission shall submit its findings and recommendations, including an evaluation of the adequacy of funds for handicapped children education excess costs for 1974-75, to the governor and the legislature prior to January 1, 1974: PROVIDED FURTHER, That the superintendent of public instruction shall not make tentative obligations of more than fifty percent of this appropriation until the commission submits its report		\$64,756,137
General Fund Appropriation for Urban, Racial, Rural and Disadvantaged educational programs		\$9,247,800
General Fund Appropriation of Mobile Home Excise Tax to be distributed to local school districts in accordance with chapter 82.50 RCW		\$3,771,000
General Fund Appropriation for Career education and occupational exploration projects		\$250,000
General Fund Appropriation for the Cerebral Palsy Center		\$408,940
General Fund Appropriation for the Cerebral Palsy Center: PROVIDED, That this appropriation shall be used for development and implementation of field services to expand the Center's program to off site locations		\$25,000
General Fund Appropriation for the encumbrance of federal grants: PROVIDED, That any expenditures from this appropriation shall be from federal funds		\$10,486,940
General Fund Appropriation:		
Elementary and Secondary Education Act of 1965		\$39,367,500
To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958)		\$1,500,000
Education of Indian children		\$2,000,000
Adult Basic Education		\$1,230,000
School Food Services Programs: PROVIDED, That not more than \$934,967 shall be from state funds		\$27,699,626
General Fund Appropriation for Assistance to Blind Students (RCW 28B.10.215)		\$5,000
General Fund Appropriation for Environmental Education		\$536,277
General Fund Appropriation for gifted program		\$330,000
[General Fund Appropriation for state grants to needy and disadvantaged students: PROVIDED, That these funds shall be used by the Superintendent of Public Instruction for individual grants to needy and disadvantaged elementary and secondary pupils attending public and private schools approved by the state board of education who demonstrate a financial inability to meet the total cost of supplies, books, tuition, incidental and other fees for any school term, or who because of adverse cultural, educational, environmental or other circumstances, are deemed as being highly improbable of continuing in the schools in which such pupils are enrolled and that such financial assistance, after other scholarships, grants and assistance are deducted, shall not exceed three hundred dollars per secondary pupil (grades 9-12) and one hundred dollars per elementary pupil (grades 1-8)		
General Fund—Traffic Safety Education Account Appropriation, of which \$602,936 is for administration		\$8,825,926

General Fund Appropriation: PROVIDED, That this appropriation shall be used for administrative expenditures associated with the office of nonpublic schools and to conduct studies relating to the staffing, curriculum, and financial status of nonpublic common schools within the state of Washington \$150,000

Sec. 24, Section 16, chapter 114, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON STATE COLLEGE

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>	<i>From the General Fund</i>
(1) Land acquisition (354,826) Western Washington State College Capital Projects Account	196,426	158,400	
(2) Preplanning for projects in 1975-77 Capital Budget (108,076) Western Washington State College Capital Projects Account	70,076	8,000	
State Higher Education Construction Account		30,000	
(3) Utility expansion and modernization (3,642,031) General Fund	1,631,590		
Western Washington State College Capital Projects Account	1,246,541	763,900	
(4) Remodel college buildings and improvements to buildings and facilities (580,675) General Fund	47,740		
Western Washington State College Capital Projects Account	432,935	100,000	

	<i>Reappropriations</i>	<i>From the Fund Designated</i>	<i>From the General Fund</i>
(5) Purchase necessary moveable equipment for [State Building Authority] buildings (771,406)			
General Fund	675,000		
Western Washington State College Capital Projects Account		96,406	
(6) Construct and equip addition to Arts building			
Western Washington State College Capital Projects Account		22,579	
(7) Construct and equip Music/ Auditorium addition State Building and Higher Education Construction Account		1,059,208	
(8) Fairhaven Unit academic facilities			
Western Washington State College Capital Projects Account		34,572	
(9) Construct and equip library addition, Phase III			
Western Washington State College Capital Projects Account		362,477	
(10) Renovation of Old Main Building (1,681,005)			
State Building and Higher Education Construction Account		842,005	
Western Washington State College Capital Projects Account		839,000	

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>	<i>From the General Fund</i>
(11) Construct and equip Social Science building (2,880,561)			
General Fund	400,000		
State Building and Higher Education Construction Account	1,449,561		
Western Washington State College Capital Projects Account	500,000		
State Higher Education Construction Account		531,000	
(12) Design for applied arts and sciences building			
State Higher Education Construction Account			197,500
(13) Renovation of Old Main building, Phase II			
State Higher Education Construction Account			2,754,000
(14) Equipment for Leona M. Sundquist marine laboratory at Shannon Point			
State Higher Education Construction Account			85,000

Sec. 25. Section 17, chapter 114, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	<i>Reappropriations</i>	<i>From the Community College Capital Projects Account</i>	<i>From the Community College Capital Improvement Account</i>
(1) Removal of Edison South and construction of replacement facilities designated as Phase II of Seattle Central Campus		8,001,601	
(2) Construct vocational and academic facilities designated as Phase II of Walla Walla Community College		2,002,399	386,839
(3) Remodel and equip a portion of existing space for vocational programs at North Seattle Campus			836,505
(4) Construct vocational facilities designated as Human Services Building, Vocational Arts Building, and photography laboratory at Spokane Falls Campus			1,670,515
(5) Construct vocational facilities designated as Buildings 1, 2, and 3 at Highline Community College			3,806,543
(6) Construct vocational and academic facilities designated as Science Building, Campus Service Building, and Food Services Training Building at South Seattle Campus			4,554,099

	<i>Reappropriations</i>	<i>From the Community College Capital Projects Account</i>	<i>From the Community College Capital Improvement Account</i>
<p>(7) Construct vocational and academic facilities designated as Group A and Group B at Tacoma Community College [: PROVIDED, That no funds shall be expended or obligated from this appropriation pending completion of legislative study of existing and proposed community college facilities in Pierce County and in no event shall any expenditures be made or obligations incurred until after September 30, 1973]</p>			1,246,317
<p>(8) Construct vocational facilities designated as Group A, Phase III at Fort Steilacoom Community College: PROVIDED, That no funds shall be expended or obligated from this appropriation pending completion of legislative study of existing and proposed community college facilities in Pierce County and in no event shall any expenditures be made or obligations incurred until after September 30, 1973</p>			1,132,585

<i>Reappropriations</i>	<i>From the Community College Capital Projects Account</i>	<i>From the Community College Capital Improvement Account</i>
(9) Construct vocational facilities designated as additions to Phase II at Bellevue Community College		1,881,544
(10) Construct vocational and academic facilities designated as Mechanics Complex and addition to Glenn Hall at Yakima Community College		2,224,748
(11) Construct vocational facilities designated as Science Building at Edmonds Campus		1,141,992
(12) Construct vocational and support facilities designated as Phase I of permanent campus at Olympia Vocational Technical Campus: PROVIDED, That \$20,000 of this appropriation shall be available for development of schematic plans for support facilities		2,264,789
(13) Remodel a portion of existing space for vocational programs at Clark Community College		339,269
(14) Construct Health Occupation Building, including site acquisition at Olympic Community College		724,291

	<i>Reappropriations</i>	<i>From the Community College Capital Projects Account</i>	<i>From the Community College Capital Improvement Account</i>
(15) Develop and construct general academic, vocational and support facilities at Centralia College		-	917,698
(16) Preplanning for schematic plans for 1975-77 new capital projects			150,000
(17) Costs of administering the relocatable pool of facilities		324,000	
(18) Emergency Capital Repairs		500,000	

It is the intent of the Legislature that the State Board for Community College Education shall prepare prior to January 1, 1974, a system-wide priority list of individual community college capital projects for submission to the Legislative Budget Committee, Council on Higher Education, and the Office of Program Planning and Fiscal Management and such lists shall be reviewed and evaluated prior to the appropriation of any planning funds

	<i>From the Community College Capital Projects Account</i>	<i>From the Community College Capital Improvement Account</i>
(19) Construction, remodeling, conversion, removal and replacement of vocational, academic and other community college facilities Community College Capital projects Account	Reappro- priations	
	14,638,151	

NEW SECTION. Sec. 26. The appropriations contained within this 1973 act shall be administered, where applicable, pursuant to those rules, regulations, and administrative procedures established by chapters 114, 131, 134, 137, 215, and 222, Laws of 1973 1st ex. sess., and chapter 43.88 RCW.

NEW SECTION. Sec. 27. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. This 1973 amendatory 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, strike all of the title and insert the following:

"AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations; amending section 16, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 17, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 3, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 6, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 8, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 134, Laws of 1973 1st ex. sess. (uncodified); amending section 31, chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 76, chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified); and declaring an emergency.", and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

Senator Washington moved that the Senate do not concur in the House amendment relating to Central, Eastern and Western Washington State Colleges in Engrossed Substitute Senate Bill No. 2956.

PARLIAMENTARY INQUIRY

Senator Durkan: "Mr. President, if I make the motion that the Senate concur in all of the amendments of the action of the House, which motion would be put first?"

REPLY BY THE PRESIDENT

The President: "The positive motion."

MOTION

Senator Durkan moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 2956.

REMARKS BY SENATOR ATWOOD

Senator Atwood: "There is only one amendment. We do have joint rules and what I want to know is, would that motion have been in order to begin with? It is all one amendment. It was not put on piecemeal by the House so I do not think you can recede from part of an amendment."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "I know of no rules, either written or otherwise, particularly in this situation. We are operating without rules. I was recognized first. I made the motion and without rules I think it is incumbent that we proceed to debate and vote on the motion which I have made."

REPLY BY THE PRESIDENT

The President: "The President would like to say that Senator Washington's motion is in order but it is of a negative nature for at least a portion of the amendment, whereas Senator Durkan's motion to concur is of a positive nature and is the motion that would tend to bring the houses to a closer understanding. Therefore it would be put first."

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, I follow the Chair in the ruling and you are probably right, but would it not be logical to accept the fact that Senator Durkan moves we accept the entire House amendment. Senator Washington in effect is amending that portion — forget the negative and the positive. It would seem to me like we would have a right to vote on Senator Washington's amendment, even though I do not happen to be for it, before we voted on Senator Durkan's proposal that we accept the whole bill from the House. In effect, Senator Washington's amendment is kind of an amendment to the report of the House on this bill."

REMARKS BY SENATOR DURKAN

Senator Durkan: "Speaking to the point of order, it would appear to me that my motion is properly put and should be considered first because if the body votes to accept my motion, it then has voted its decision to accept all of the amendments that the House has put. If the body votes not to accept my motion, then the other motions would be properly in order."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I think it is rather basic that, as the President stated, anything that tends to bring the houses together and conclude the controversy takes precedent over one that tends to continue it. That is the basic rule. The other part of it is, however, as stated by Senator Atwood, you have one amendment. Now if you have a series of House amendments you could move to concur in some and you could move not to concur in others. But this is a brand new thing that we are bringing up here today that you have one amendment and you can say, 'I move we concur in two lines of it and we do not concur in the third line and then

we concur in the fourth line and we do not concur in the fifth line.' That has got to be a brand new procedure and I have never heard of such a thing in thirty years. That you either concur or you do not concur in a House amendment. And if you do not concur, then you go back and you try to get together and you try to work it out. But you cannot concur in part of the same amendment and split it up. Now if there is a series, you can concur in one and not the other, but I think the motion by Senator Durkan is in order and should be acted on."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Only for reference, I am not at least clearly informed that we have joint rules. I believe the majority leader indicates that we do. Did we adopt joint rules?"

"Calling your attention to Rule 7, I have not had time to go clearly over it, 'In every case of difference between the two houses there shall be a conference.' I do not see any reference that it has to be to an entire amendment."

"If we are bound in this manner we are tying our hands where one house can draft a bill, and it can be done, we could draft any number of bills. There is no ruling that says how you have to section bills. If we have a ruling here that you can only concur or not concur in an entire amendment we have given the other house and they have given us a weapon that we can use with impunity. We can draft long pieces of legislation with no sections, just like the House drafted this long amendment just so we would not, in an effort to keep us from being able to accept what we want to accept and reject what we want to reject. I think we are a body, we are independent and I think we have the right to say, 'In this long multi-page amendment you sent over to us, we are going to accept that part that we want. We are going to reject the part that we do not want and ask you to recede from that part.' I think it is logical. I think it is the only way logically that this type of a legislative body can function."

REPLY BY THE PRESIDENT

The President: "Senator Washington, the President agrees with your philosophy and so does Reed's Rule 248 which permits a change in one amendment that is passed by one house. The President would like to read 249. I believe that it is generally agreed that a motion to concur takes precedence over a motion to not concur. 249 states, 'To Non-concur. This motion is proper where the House desires unconditionally to reject the amendment of the other House. Even when this motion is pending a motion to concur would be in order, and also a motion to concur with an amendment.' Therefore the President believes, although he agrees with all of the logic, that the motion to concur does take precedence."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "I would like to, when it is convenient, ask Senator Durkan a question. Senator Durkan, we have just had an experience in Spokane where School District 81, because of the failure of a special levy, trying to get by the deadline of the cut off, did cut severely some one hundred and fifteen or sixteen faculty. The courts ruled that the cut off and the notice was not proper and they finally ruled that Spokane would have to go back and hire a number of these teachers and then make restitution and pay for some three hundred and thirty thousand dollars. Do we face, by this type of a cut off, do we face a similar action?"

Senator Durkan: "I cannot answer with any certainty. I do know that the decision of the courts there was based on the fact that the rules and regulations did not provide for an orderly layoff of those employees. I do know that unless this legislature takes action, that December 15 is that deadline by which the board of trustees can act. Now I want to be clear on this so there will be no misunderstanding. It could well be that the sixteen month provision that many professors have could be considered a contract and that this action could be considered an impairment of contract. I do not know the answer to that. I do

know that unless we do something now, then there is nothing in January that we can do. I mean that as far as this particular problem is concerned. But I do know there is a solution, if the procedure is clearly laid out and the layoffs are the result of the loss of finances that I read in that decision that they can do it."

Senator Guess: "Thank you very much. With that explanation I think I will have to say that I will have to vote to concur with the bill, Senator Washington."

Further debate ensued.

POINT OF INQUIRY

Senator Talley: "Would Senator Mardesich yield to a question? I have always been under the impression with the federal funds that you just supplement a program and what you have done today, we are using federal funds to balance the budget, aren't we?"

Senator Mardesich: "I would like to probably respond to that in this manner, Senator Talley. I think back a few months ago when we started talking about reform of this legislature and part of what we were talking about when we were talking reform was the fact that we had lost to the executive and to the bureaucracy all of our power and authority. We said then that we should review, we should study, we should come back and act on the basis of the facts as we saw them after review and study. We said we should come back in September because we knew that the federal government was impounding money. They had said so. And because they had said so, we made appropriations from state funds to programs which we thought were worthy in amounts which we thought were sufficient to carry on those programs.

"Now we have come back with the answers. We divided the work, as it were, early in this year after we left this session. We divided the work between the two Houses because we knew we did not have sufficient time to staff and we knew that it was a short period of time starting from scratch if both Houses were to direct themselves to all the problems. So those of us in leadership assigned to the House the review of the budget and we directed ourselves to other matters, primarily the income tax. If you will recall back, we took a bare bones budget and started it here, sent it over to the House for them to tie on, I am sure with the knowledge of all the leadership and probably everyone in the place, all the results of the studies that had been made by the House committees. Now what has happened. The federal government has released some money. They have released twelve million to the Department of Social and Health Services already. And I do not think, after having listened to Frank Atwood tell me for fifteen years that we ought to do something about these problems and it was, if I remember correctly, Frank Atwood who started to question the unanticipated receipts problem and who last session pointed out that there were three hundred and fifty millions of dollars which were spent by the Governor - only eighty, he says. The other part we knew was coming. We had a good idea that was coming. Eighty that we did not know was coming. And it was spent without one moment of review, spent by the Executive and the Department without one moment of review by this legislature, without one ounce of direction as to what we thought was the proper way for them to proceed, what programs we thought should be carried on or started. We were questioning it then. Senator Atwood was in the forefront of that questioning.

"As a consequence of the action on the part of the Executive and the Department, we today even yet face the possibility that the federals may call back from our general fund that eighty millions of dollars that Senator Atwood was talking about and possibly more. The last figure I heard that there was forty million that they had actually made claims on and that there was a potential sixty million more that they could question. Some six or seven months they had not even concluded the review of. I do not think it will happen but it points out what can happen without a legislative review.

"Well I think we have begun to reassert ourselves. I think we have begun to do what we said we would do last April. We have begun to review. We have begun to tell the departments and the executives, 'We will come back. We want to see what you are doing. It is our position that we do not want to leave that money there and let you spend it in any manner you desire.' I do not think there is anyone here who can question that the department has received some funds over and above the allocation. If we do nothing about

it today they can spend it. I say the decision should be up to us and this is what we are doing with respect to that twelve million. We are saying, 'Come back and show us.' The federals have begun to release the moneys. Congress has begun to reassert itself with respect to the impoundment question. With respect to the food stamp question they already have done it. And this is the point. The legislature has finally begun to reassert itself and to make the decisions that they should be called upon to make and it is, gentlemen, highly disturbing to me to hear you say, to hear Republicans say, after years of listening about the wild spending and irresponsibility on our part, now suddenly they are saying, 'Do not worry about them. They will not spend it. Give it all to them and let them do with it what they want. Let us wait until January. They will not do a thing.' Here is your chance to do something for that taxpayer for a change, without changing one program that you have already said is sufficient. Politics, you say, Senator Lewis? Well if that is politics I want to assert a little more of it. If it is up to us to save it for the people I think we ought to come back more often. If two or three days on occasion, and that is all that would be necessary — I am against the full-time legislature and you know it — but if our staff can produce figures for us and if we can come back here on occasion for two or three or four days and save for the people of this state millions of dollars, then I am willing to come back for those two or three days and do it.

"The question of the insult to the Insurance Commissioner, I agree with it. I understand how he must feel. But, gentlemen, if it will save for this state another million, stand up and slap me a few times. I will take the slaps and save the money for the people."

Senator Talley: "I am afraid to ask him another question. But there is a distinct possibility that we could be illegally using twelve million dollars in federal funds. Is that correct?"

Senator Mardesich: "To the best of my knowledge."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President and gentlemen of the Senate, my horoscope today has been most illuminating. I would like to read it to you. 'Take tips from the experience of others and keep listening. There is never an end to discovery.' Well that is what I have been doing all day. I have been listening, and I have been listening for the last three days. In response to Senator Mardesich, this side of the aisle has always been for fiscal responsibility and real budget review, not illusory budget review, Senator. What the House has done is just what we did back in April. We could have done this same thing in April. This whole so-called budget review is illusory. We do not know any more today, except for twelve million, and you have already jerked out more than that, sixteen out of here, we do not know any more today than we did in April on what the federals are going to do. We have no idea how much money we are going to get from the federals. If you want to do real budget review it takes about a week to two weeks taking testimony. We have not heard any facts or anything you could term facts up there, not once. Even Mr. Shinpoch's whole budget is based on guess. It is not a budget review.

"In addition to this, if you want to maintain control on the budget you can build contingencies. But what they have done is they have taken the money right out of the budget and they are going to spend it. They are going to spend it on other programs. I heard Senator Durkan. He has a couple of bills up there, aid to the poor and aid to the elderly. We are going to be back here like Senator Fleming has said, and, Senator, I was one of those who was wrong on that three to one. The SPI convinced us, or the executive OPP&FM convinced us that that was the way to go. We had to come back and stick it back in. Senator Durkan and Senator Dore were there too. Anyway I was one of those who was wrong on that. But what we have here is totally illusory. It is not real truth and in fact budget review.

"Now my objection to this package, this amendment that they have sent over, is based on the fact that we have not any facts, real facts, cold facts, on which to base a decision. I think Senator Durkan feels a little uneasy about this whole thing. I know everyone here should because we are shooting in the dark. I think it is totally precipitous action and we will be back in January and we are going to have to go through this whole thing and we have some time to do it then and really get in. And if there are, in the second year of the

biennium, cuts that can be made we can make them and adjust them at that time. But to do it two months into the biennium is ridiculous. It is way premature. It is totally precipitous. If you feel uneasy about the moneys they might spend, build a contingency and maintain control over it in January.

"Now I do think I should address myself to the Western problem. Now in the first place, the Western cut I think is erroneous in the total figure but we had no time in which to take testimony. I agree that if they are not going to have the enrollment, and here is another precipitous action that one point six million could be taken out in January. It does not have to be taken out now. That one point six million comes out of an 06 program for the year, the fiscal year '74-'75, not for this year. We could have directed them in the bill to go down to the faculty staffing level but the fact is that they do not even know what their enrollment is going to be. They are just guessing. They could be four or five hundred above or below. The whole action is premature. And in addition to this, OPP&FM sent me a memo and I think Senator Durkan has seen it, I am not sure that Mr. Shinpoch is correct. They say that he is off by three to four hundred thousand dollars. I do not know. But here you are asking us to take an additional, there may be an error in there. We have no chance to even hear testimony on whether there was an error. The testimony up there by the college today was the fact that they would be six or seven percent below the formula by this. I do not know. And I do not think anybody here on this floor and I do not think Representative Shinpoch can say. He just refused to listen. All I am saying is to you that this time in this nine day session it is ridiculous and it is irresponsible for us to be taking tyis type of action. I can cut just as hard and have cut a lot harder than this. I am not objecting. Not than you, Senator. You are brutal. But what I am saying to you is this, that at this time and at this place it is not responsible government, especially when you do not know the facts. And I do not know. He is guessing. We are guessing here. For that reason I am just not about to take that kind of an action. If you want to do it and do it right, you should have built contingencies and not just slice it out."

Senators Greive, Bailey and Durkan demanded the previous question and the demand was sustained.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Frances, Greive, Washington, Newschwander, Metcalf, Rasmussen, Walgren, Donohue and Odegaard.

The President declared the question before the Senate to be the positive motion by Senator Durkan that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 2956.

ROLL CALL

The Secretary called the roll and the motion by Senator Durkan to concur in the House amendment to Engrossed Substitute Senate Bill No. 2956 carried by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bailey, Bottiger, Clarke, Day, Donohue, Durkan, Francis, Guess, Henry, Jolly, Keefe, Lewis (Bob), Mardesich, Marsh, Mattingly, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Sellar, Twigg, Walgren, Wanamaker, Woodall, Woody—26.

Voting nay: Senators Atwood, Canfield, Connor, Dore, Fleming, Grant, Greive, Herr, Jones, Knoblauch, Lewis (Harry), Lux, Matson, Metcalf, Murray, Newschwander, Scott, Talley, Van Hollebeke, Washington, Whetzel—21.

Excused: Senators Gardner, Stortini—2.

Senators Durkan, Bailey and Greive demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 2956, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill

No. 2956, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Bottiger, Clarke, Day, Donohue, Durkan, Francis, Grant, Guess, Henry, Jolly, Keefe, Lewis (Bob), Mardesich, Marsh, Mattingly, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Sellar, Twigg, Van Hollebeke, Walgren, Wanamaker, Woodall, Woody—28.

Voting nay: Senators Atwood, Canfield, Connor, Dore, Fleming, Greive, Herr, Jones, Knoblauch, Lewis (Harry), Lux, Matson, Metcalf, Murray, Newschwander, Scott, Talley, Washington, Whetzel—19.

Excused: Senators Gardner, Stortini—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2956, 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 returned to the first order of business.

REPORTS OF STANDING COMMITTEES

September 13, 1973.

SENATE BILL NO. 2959, providing for a system of property tax exemptions (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2959 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Dore, Fleming, Grant, Lewis (Harry), Mardesich, Marsh, Metcalf, Newschwander, Peterson (Ted), Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

September 11, 1973.

SUBSTITUTE HOUSE BILL NO. 519, providing for nine port commissioners elected from districts coextensive with county councilman districts in Class AA counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Connor, Gardner, Jolly, Lux, Walgren.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

September 13, 1973.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2136, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 13, 1973.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2410,

ENGROSSED SENATE BILL NO. 2657,

SENATE BILL NO. 2952,

SENATE BILL NO. 2965, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2988, by Senator Canfield:

An Act relating to elected officials; and amending section 1, chapter 48, Laws of 1949 as last amended by section 1, chapter 100, Laws of 1967 ex. sess. and RCW 43.04.010.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2989, by Senators Mattingly, Talley and Sellar:

An Act relating to cities and towns; authorizing the payment of compensation and other benefits to members of legislative bodies of cities and towns who serve as volunteer firemen; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.11 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2990, by Senators Dore and Woody:

An Act relating to claims against the state; and amending section 3, chapter 159, Laws of 1963 as amended by section 2, chapter 164, Laws of 1967 and RCW 4.92.100.

Referred to Judiciary Committee.

SENATE BILL NO. 2991, by Senators Day, Keefe and Connor:

An Act relating to mentally or physically deficient persons; amending section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800; amending section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805; amending section 3, chapter 251, Laws of 1961 and RCW 72.33.810; amending section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE JOINT RESOLUTION NO. 142, by Senators Lux and Grant:

Amending the Constitution to reduce the size of the legislature; providing for redistricting; providing for annual and other sessions; and authorizing the legislature to set members' salaries.

Referred to Committee on Constitution and Elections.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2136,
SENATE BILL NO. 2410,
SENATE BILL NO. 2657,
SENATE BILL NO. 2952,
SENATE BILL NO. 2965.

MOTION

At 7:30 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Friday, September 14, 1973.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, September 14, 1973.

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 Durkan and Stortini. On motion of Senator Knoblauch, Senator Stortini was excused.

The Color Guard, consisting of Pages Jim Graham and Cassie Crothers, presented the Colors. Reverend Robert M. Keller, pastor of The Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

“LORD, AS WE HAVE ENTERED THIS PLACE THIS DAY YOU ARE HERE WAITING UPON OUR ACTIONS, HOLDING US ACCOUNTABLE FOR THE TRUST AND RESPONSIBILITY WE EACH POSSESS. HELP US TO PERFORM OUR TASKS IN SUCH A WAY THAT WE CAN BE CONFIDENT OF YOUR APPROVAL AND BLESSING. GIVE STRENGTH AND WISDOM TO THESE SENATORS, TO OUR LIEUTENANT GOVERNOR, AND GOVERNOR. WE PRAY IN YOUR NAME. AMEN.”

MOTION

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

MESSAGES FROM THE HOUSE

September 13, 1973.

Mr. President: The Speaker has signed HOUSE BILL NO. 785, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 13, 1973.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2112,
SUBSTITUTE SENATE BILL NO. 2463,
SENATE BILL NO. 2659,
SENATE BILL NO. 2915,
SENATE BILL NO. 2944,
SENATE BILL NO. 2945, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 13, 1973.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2136,
 SENATE BILL NO. 2410,
 SENATE BILL NO. 2657,
 SENATE BILL NO. 2952,
 SENATE BILL NO. 2965, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 785.

PRESIDENT'S PRIVILEGE

The President announced the presence in the north gallery of a group of Sweet Adelines who are having their convention in the city of Olympia. The guests sang several numbers for the members of the Senate.

At 10:15 a.m., the President declared the Senate to be at ease.

At 11:45 a.m., the President declared the Senate to be in recess until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.
 The President declared the Senate to be at ease.
 The President called the Senate to order at 1:45 p.m.

MOTION

On motion of Senator Knoblauch, Senator Stortini was excused.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2956.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 2494, by Senators Matson and Woodall:
 Providing funding for convention centers.

The time having arrived, the Senate resumed consideration of Senate Bill No. 2494 on second reading.

The committee amendments to Senate Bill No. 2494 were adopted on Thursday, September 13, 1973. The following amendment by Senator Canfield was moved for adoption on that day:

On page 2, section 2, line 13, after "bodies" and before "submitting" strike "without" and insert "[without] after".

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Matson yield? Senator Matson, if you would be willing to state on this floor that you do not think the people should have the right to vote on this matter I will withdraw the amendment. Would you be willing to make that statement?"

Senator Matson: "No, I do not think the amendment does what you think it does or

what you want it to do. I oppose the amendment and I certainly do not oppose the right of people to vote on the floating of revenue bonds, but I do not think that is what your amendment does.”

REMARKS BY SENATOR CANFIELD

Senator Canfield: “Mr. President, I think the record will show I did not get an answer to my question.”

Debate ensued.

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

On motion of Senator Canfield, the amendment by Senator Canfield to page 2, section 2, line 14 on the secretary’s desk was withdrawn.

Senator Henry assumed the Chair.

Senator Canfield moved adoption of the following amendment:

On page 2, section 2, line 21, strike “without” and insert “[without] *after*”.

Debate ensued.

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

On motion of Senator Matson, Engrossed Senate Bill No. 2494 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2494, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Clarke, Connor, Day, Dore, Fleming, Francis, Gardner, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Voting nay: Senators Canfield, Donohue, Greive, Odegaard, Rasmussen—5.

Absent or not voting: Senator Durkan—1.

Excused: Senator Stortini—1.

ENGROSSED SENATE BILL NO. 2494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Guess, Engrossed Senate Bill No. 2494 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2843.

SECOND READING

SENATE BILL NO. 2843, by Senator Fleming:

Authorizing cities and towns to participate in federal grant-in-aid programs.

MOTIONS

On motion of Senator Mardesich, Second Substitute Senate Bill No. 2843 was

substituted for Senate Bill No. 2843 and the second substitute bill was placed on second reading and read the second time in full.

Senator Rasmussen moved adoption of the following amendment:

On page 1, section 2, beginning on line 21, strike all of subsection (1) and renumber the remaining subsections.

Debate ensued.

POINT OF INQUIRY

Senator Atwood: "Will Senator Whetzel yield to a question? The way that section reads now, I am not sure it is that section, but it only deals with federal funds. It has nothing to do with cities' property tax funds or any state funds that they receive and it deals solely with federal funds."

Senator Whetzel: "It says in lines 22 and 23, 'received from the federal government or from private sources.'"

Senator Atwood: "My question directly is, private sources would not include state moneys or local property taxes?"

Senator Whetzel: "No, I do not think it would."

POINT OF INQUIRY

Senator Woodall: "Will Senator Fleming yield? Senator Fleming, you have been making much of the point that these mayors and councilmen are so responsible. Now who do you think is in the best position to judge whether mayors are competent or not; Senator Rasmussen, who has been one or you, who has never been one?"

Senator Fleming: "I think I would be, in view of the comments that Senator Rasmussen has been making about the mayors going back getting federal funds."

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

On motion of Senator Rasmussen, the amendment to page 2, section 2, beginning on line 6 on the secretary's desk was withdrawn.

Senator Rasmussen moved adoption of the following amendment:

On page 2, section 3, beginning on line 15, strike all material down to and including "act." on line 21.

Debate ensued.

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

On motion of Senator Whetzel, the following amendment by Senators Whetzel and Fleming was adopted:

On page 2, section 4, line 32, after "of the" and before "area" strike "unicorporated" and insert "incorporated".

Senator Whetzel moved adoption of the following amendment:

On page 3, section 4, line 14, after "funds;" insert "transfer, with or without consideration, any funds, real or personal property, property interests, or services received from the federal government, private sources or, if otherwise legal, from a city or county;"

Debate ensued.

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

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

On page 1, section 2, line 22 after "services" insert ", all of which are".

On motion of Senator Fleming, Engrossed Second Substitute Senate Bill No. 2843 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2843, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Gardner, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—40.

Voting nay: Senators Bottiger, Guess, Mattingly, Metcalf, Rasmussen, Twigg, Woodall—7.

Absent or not voting: Senator Durkan—1.

Excused: Senator Stortini—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fleming, Engrossed Second Substitute Senate Bill No. 2843 was ordered immediately transmitted to the House.

SECOND READING

HOUSE BILL NO. 458, by Representatives Pardini, Savage, Pullen, Cunningham, Wilson and Hendricks (by Executive request):

Amending the partial benefit formula for unemployment compensation.

REPORT OF STANDING COMMITTEE

September 12, 1973.

HOUSE BILL NO. 458, amending the partial benefit formula for unemployment compensation (reported by Committee on Labor):

Recommendation: Do pass with the following amendments:

On page 1, after section 1, beginning on line 18, strike all of section 2 over to and including the period on page 3, line 15 and insert the following:

“Sec. 2. Section 19, chapter 2, Laws of 1970 ex. sess. as amended by section 1, chapter 167, Laws of 1973 ex. sess. and RCW 50.04.323 are each amended to read as follows:

[1] Any payments which an individual has claimed, is receiving or has received under a government [and/] or [a] private retirement pension plan [,] to which a base year employer has contributed on behalf of such individual [,] shall [be deemed remuneration under this title for the purpose of determining eligibility and the amount of weekly benefits to which such an individual is entitled: PROVIDED, That in no event will old age and survivors insurance benefits, under the provisions of Title II of the federal social security act, as amended, serve to reduce an individual's weekly benefit amount: PROVIDED FURTHER, That commencing with benefit years beginning on and after July 1, 1973, retirement pensions which are based in full on wages earned prior to the base year, and which have been applied for and approved, shall not be deemed remuneration for the purposes of this title] *reduce the unemployment compensation payable to him on the following basis:*

(1) If such payment, prorated weekly, equals or exceeds the weekly benefit amount to which he would normally be entitled on the basis of his base year earnings then he shall be totally ineligible;

(2) If such payment, prorated weekly, is less than the weekly benefit amount to which he would normally be entitled on the basis of this title and regulations enacted pursuant thereto, his weekly benefit amount shall be reduced by the amount which his prorated weekly pension amount exceeds twelve dollars. The reduced benefit amount so computed, if

not a multiple of one dollar, shall be raised to the next higher multiple of one dollar.

Any amounts deducted by reason of this section shall not be available for the payment of future benefits, that is, the individual's total benefit entitlement shall be reduced by the amount of benefits paid plus any amounts deducted pursuant to this section.

Payments received under the old age and survivors insurance program contained in Title II of the federal social security act, as amended, payments received on account of disability rather than on account of age or length of service and, commencing with benefit years beginning on and after July 1, 1973, payments attributable to retirement pensions which are based in full on wages earned prior to the individual's base year shall not operate to reduce an individual's weekly benefit amount.

(2) Payments claimed or received under a government [and/] or a private pension plan shall not be considered wages subject to contributions under this title nor shall such payments be considered in determining base year [earnings of the individual] wages.

(3) In the event that a retroactive [retirement or] pension [payment] or retirement plan covers a period in which an individual received benefits under the provisions of this title, the amount in excess [paid over] of the amount to which [he] such individual would have been entitled had such retirement or pension [payment] plan been considered [,] as provided in [subsection (1) above,] this section shall be recoverable under RCW 50.20.190 [: PROVIDED, HOWEVER, That any amounts which have been deducted from the weekly benefit amount by reason of the provisions of this section shall not be available for future benefits: PROVIDED, FURTHER, That no payments received on account of temporary or permanent disability rather than on account of age or length of service shall be considered compensation paid for personal services].”

On page 3, section 4, lines 32 and 33, after “shall” strike “take effect on July 1, 1973.” and insert “apply to weeks of unemployment commencing on or after January 6, 1974.”

On line 3 of the title after “1970 ex. sess.” and before “and” insert “as amended by section 1, chapter 167, Laws of 1973 ex. sess.”

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Matson, Mattingly, Woody.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted simultaneously.

On motion of Senator Grant, the committee amendment to the title was adopted.

On motion of Senator Grant, House Bill No. 458, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 458, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Gardner, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—44.

Voting nay: Senators Twigg, Woodall—2.

Absent or not voting: Senators Durkan, Guess—2.

Excused: Senator Stortini—1.

HOUSE BILL NO. 458, as amended by the Senate, having received the constitutional majority, 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. 487, by Committee on Commerce (originally sponsored by Representatives Johnson, Kalich and Ellis):
Changing the definitions relating to lotteries.

REPORT OF STANDING COMMITTEE

September 12, 1973.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 487, changing the definitions relating to lotteries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 2, line 32, after "conducted" strike all of the material down to and including "similar exposition" on page 3, line 1 and insert "[on any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition] in connection with a civic center of a city of the first class, worlds fair or similar exposition approved by the Bureau of International Expositions at Paris, France, or a community festival sponsored or approved by a city or town".

On page 11, section 3, line 24, after "upon any" strike all of the material down to and including "similar exposition" on line 26 on the same page and insert "[upon any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition] in connection with a civic center of a city of the first class, worlds fair or similar exposition approved by the Bureau of International Expositions at Paris, France, or a community festival sponsored or approved by a city or town".

On page 12, section 4, line 12, beginning with "That any" strike all of the material down to and including "FURTHER," in line 17 and insert "[That any license issued under authority of this section shall be legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated areas of any county, unless a county, or any first class city located therein with respect to such city, shall prohibit such gambling activity: PROVIDED FURTHER,]"

On page 12, section 4, line 20, after "issue," and before "suspend" insert "deny,"

On page 12, section 4, line 21, after "color" and before "or" insert ", sex" and after "origin:" insert "PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of the policies of any applicant with regard to race, creed, color, sex or national origin."

On page 13, section 4, line 5, after "by the commission;" insert a new subsection as follows:

"(3) Any license to engage in any of the gambling activities authorized by section 9.46.030 RCW as now exists or is later amended issued under the authority of this section shall be the legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated area of any county, unless a county with respect to all areas within the county except first class cities, or a first class city located therein with respect to such city, shall absolutely prohibit any or all gambling activities authorized by section 9.46.030 RCW.

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by section 9.46.030 RCW."

Renumber the remaining subsections consecutively.

On page 13, section 4, line 7, after "the premises" and before "which" insert ", and for such other activities as may be licensed by the commission."

On page 16 add new sections following section 6 as follows:

"Sec. 7. Section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46. — are each amended as follows:

In addition to any other penalty provided for in this chapter, every person, directly or indirectly controlling the operation of any gambling activity authorized in section 3 of this act including a director, officer and/or manager of any association, organization or corporation conducting the same, whether charitable, nonprofit, or profit [shall] may be

liable, jointly and severally, for money damages suffered by any person because of any violation of the chapter, together with interest on any such amount of money damages at six percent per annum from the date of the loss, and reasonable attorneys' fees: PROVIDED, That if any such director, officer, and/or manager did not know any such violation was taking place and had taken all reasonable care to prevent any such violation from taking place [the burden of proof thereof shall be on such director, officer, and/or manager, and if such director, officer, and/or manager shall sustain the burden of proof] he shall not be liable hereunder. Any civil action under this section may be considered a class action."

Sec. 8. There is hereby added to chapter 218, Laws of 1973, 1st ex. sess. and chapter 9.46 RCW a new section to read as follows:

This chapter constitutes the exclusive legislative authority for the licensing and regulation of any gambling activity and the state preempts such licensing and regulatory functions, except as to the powers and duties of any city, town, city-county, or county which are specifically set forth in this chapter. Any ordinance, resolution, or other legislative act by any city, town, city-county, or county relating to gambling in existence on the effective date of this amendatory act shall be as of that date null and void and of no effect. Any such city, town, city-county, or county may thereafter enact only such local law as is consistent with the powers and duties expressly granted to and imposed upon it by chapter 9.46 RCW and which is not in conflict with that chapter or with the rules of the commission."

Sec. 9. Section 28, chapter 218, Laws of 1973, 1st ex. sess. and RCW 9.46.280 are each hereby repealed."

In line 7 of the title, after "and adding" strike the remainder of the title and insert "amending section 20, chapter 218, Laws of 1973, 1st ex. sess. and RCW 9.46. . . ; adding new sections to chapter 218, Laws of 1973, 1st ex. sess. and to chapter 9.46 RCW; and repealing section 28, chapter 218, Laws of 1973, 1st ex. sess. and RCW 9.46.280."

Signed by: Senators Francis, Chairman; Atwood, Dore, Greive, Twigg, Van Hollebeke. The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments to pages 2 and 11 were considered simultaneously and adopted.

Senator Francis moved adoption of the committee amendments to page 12, section 4, lines 12 and 21 simultaneously.

The motion by Senator Francis carried and the committee amendments to page 12, section 4, lines 12 and 21 were adopted.

On motion of Senator Francis, the committee amendments to page 12, section 4, line 20 and page 13, section 4, line 5 were adopted.

Senator Francis moved adoption of the committee amendment to page 13, section 4, line 7.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Matson yield to a question? Senator Matson, we are now considering changes in the fun and games law and this is concerned with civic centers but only in first class cities. Your bill would propose that they can use this two cents out of the five cents, or the four and one-half cent sales tax, for construction and costs. This would also limit you that you would not be able to have bingo games in the civic center if it is only related to first class cities."

Senator Matson: "The language in my bill was 'convention centers' and that is what we are interested in, not civic centers."

Senator Rasmussen: "One and the same. All depends on semantics. But are you not interested in seeing that all cities of any size can engage in this activity?"

Senator Matson: "I never really thought about it."

Senator Rasmussen: "Time right now when we are amending the bill."

POINT OF INQUIRY

Senator Woodall: "I see something in the paper this morning that is somewhat

disturbing to me, that namely, this group of super-brains are proposing some rules and regulations that in order for the Eagles or the Elks or anyone else to carry their games, people are going . . .”

Senator Francis: “Senator Woodall, we just took care of that in the last amendment. We overruled them on that. We just did it.”

Senator Woodall: “You did? That is great.”

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: “To follow your statement to conclusion, Senator Woodall, are you referring to the article that said that you had to get the signature, name and address on each bingo card of anybody that played?”

Senator Woodall: “Yes.”

President Pro Tempore Henry: “I think that is what we have reference to, Senator Francis.”

Senator Woodall: “Did you take care of that part, too?”

Senator Francis: “No, I did not know about that part.”

Senator Woodall: “Let me point out something else to you. Now as Senator Canfield knows, I was connected with a fair for quite a few years, as was he. Now this has got to be the silliest thing in the world. How you can get five people who would pass something so dumb I cannot understand it. I do not know where you hunt to find them. To say that you have got to get the name and address of everyone who buys a bingo card has got to rank with the all-time in stupidity. If they ever give awards for stupidity these people will come in for high honors. You are at a fair. Here are people going down the midway and there is a man saying, ‘Come in, sit down and play bingo and spend two bits. Spend a quarter.’ And they have to stand there and give their name and address in order to spend twenty-five cents. You do not have to give your name and address to spend ten dollars betting on a pari-mutuel, but you have to give your name and address to spend twenty-five cents at a pumpkin fair buying a bingo ticket. Now that is crazy. Now if that has not been taken care of it certainly ought to be taken care of in this bill, because you have for all practical purposes killed bingo off. No one, Senator Canfield, I am sure will bear me out, at a county fair or district fair is going to stand there and sign up, give his name and address to spend a quarter to buy a bingo ticket. Now these five people just plain do not understand or else want to make it impossible. I do not know what. But it is absolutely totally ridiculous. You do not have to give your name and address to buy a ten dollar pari-mutuel ticket and you can buy as many as you want. But they want your name and address to buy a twenty-five cent bingo ticket. Now it is crazy and it will effectively kill off bingo. Now if we do not have that amendment in it, I think we ought to hold it until we can prepare one. But I read the morning paper and that is what they are trying to do, and it certainly ought to be taken care of. If they do not have sense, we ought to have some.”

Senator Francis: “You forgot the part where you say, ‘Don’t you agree with that, Senator Francis? This was supposed to be a question. My answer, and I will not be as lengthy in my answer as Senator Mardesich was yesterday in answer to a question. I am certainly not as eloquent. I think there is a point that you make that is excellent. I will join with you this far. I think we have to serve notice on the Gambling Commission that we are going to be looking hard at this bill again in January and I think that they have to be reasonable about what they are doing. At the same time, it seems to me that there are some very important amendments that we have to pass now in order to pass this bill and I think we ought to get on with what has been worked through the Judiciary Committee and through the hearing process and most of the way through the House, and so I would say that I do not agree with the idea of holding up the bill in order to get at that problem. The particular amendment we are looking at simply allows distribution of punch boards and pull tabs by the commission, basically. It allows them to do that consistent with the rest of the bill and I urge your support of that amendment.”

POINT OF INQUIRY

Senator Fleming: "Would Senator Francis yield to a question? Senator Francis, I heard Senator Woodall ask you a question and I was coming in the wings and I heard Elks and Eagles and I voted 'no' but I do not know what I voted 'no' on. So I want to know, what did that amendment we just adopted do?"

Senator Francis: "The amendment we adopted said, in effect, that although we are encouraging Elks and Eagles and others to eliminate any discrimination in their policies, we are not going to do it by forbidding them to conduct gambling on the premises."

Senator Fleming: "Senator Francis, I appreciate that answer and I am glad I did vote 'no.' I wish I had voted 'no' a little louder, but I agree with Senator Woodall. Maybe we should hold this bill up indefinitely."

POINT OF INQUIRY

Senator Talley: "Would Senator Woodall yield to a question? Senator Woodall, I understand you are a member of this commission."

Senator Woodall: "No, we are not. We have a voice but no vote. That is why I pointed out the other day in response to a matter of putting some ex-officio members on, I said it is a meaningless sort of thing. We can point out to them their stupidity but we cannot make them vote sensibly."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Trying to hurriedly find that section of the rules for Senator Woodall, I think they did exclude fairs and civic centers and convention centers. They figured Expo '74 would need the money. I think they are excluded in here from the record keeping in regards to prize winners and so forth and the sale of bingo boards."

POINT OF INQUIRY

Senator Woodall: "I would like someone, possibly Senator Francis if he or Senator Walgren or someone would like to enlarge on that, are fairs exempt from this silly provision of getting the name of every mortal who buys a two bit bingo card? Now it is very important and I would like to know, and if someone who has studied and analyzed the bill can answer that I would certainly like to hear it."

Senator Canfield: "The law as presently written expressly excludes fairs from that particular problem that Senator Woodall mentioned. And if you will read the act, somewhere in it it says that 'Provided that agricultural fairs shall file reports on income from bingo and raffles and amusement games within thirty days after the conclusion of the fair,' and they are not required to receipt and record every player. And that is in the case of bingo, raffles and amusement games. The general law for others is not that way.

I would like to point out, gentlemen, this bill took an awful lot of work by a lot of members of this body and by many others and I do not think the bill is too good, and I think that some of the rulings of the commission may be not healthful. I have sort of felt that perhaps if we had a year's experience or some experience, at any rate, with the act we would know well how to amend it. And I see a number of flaws in the law right now but I have not yet figured out just the best way to meet those objections because my ideas are more or less restricted in building this bill to how they affected agricultural fairs, but I am hopeful that some proper amendments will be made because I feel, as Senator Woodall has expressed, that some of the actions taken are practically confiscatory. May I point out, for instance, that although the law says that a fair may conduct bingo for twelve consecutive days as a limit, our own county, Senator Woodall, put a license fee on our fair in Yakima which amounts to seventy dollars a day to run one bingo game. Seventy dollars a day. And I understand the city of Richland set no license fee. Now I do not know where we are going to get seventy dollars a day to pay a license fee and pay the other expenses and have any kind of a bingo game, so maybe what you say is correct, that a tax can be so onerous that you eliminate the activity. So I do think there are some things that have to be done to correct this bill."

POINT OF INQUIRY

Senator Bailey: "Would Senator Woodall yield? Senator Woodall, is this rule on the record keeping a part of the law or is it a part of the regulations adopted by your commission?"

Senator Woodall: "Do not call it my commission. Let us get that straight to begin with. The commission, yes. It is not in the law. They adopted that for anyone connected, and if the fairs are exempt, that is fine, but I do not know that fraternal organizations, that anyone connected with the game, anyone, would have to go back and account for all of their activities for ten years gone by and you cannot change the person running the deal without the consent of the commission, which means that if the Eagles or the Elks, any of those, change their president or change their commander or whoever he might be and they put another games chairman in, they have to get permission from these five superbrains to make sure that they are not going to cheat their own members. Now if we were opening up gambling, if we were having public gambling, if we were having gambling like in Vegas and Reno I could see some reason to all of this because then you would be protecting the public. But these people are worried about the Eagles cheating each other and the Elks cheating each other and the Vets cheating each other and the parish priest cheating his parishioners. I mean, this whole thing is stupid. You do not need any protection in those lines. Why do not they just leave these people alone and let them run their own deal?"

MOTION

Senator Bailey moved that Engrossed Second Substitute House Bill No. 487 be held for further consideration following action on the committee amendments.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, the reason I make that motion, that this is a House bill and I think we can take care of it this evening without any problem. I think Senator Woodall has a point and I also think that Senator Canfield has a bad point as I do not know why we should be taking care of fairs all the time and forgetting the various lodges and nonprofit organizations that hold a little bingo. This is rather ridiculous that we can take care of the one group and we cannot take care of the other. I think the time to do it is now and deliver the message loud and clear down to the commission to let them know that we want a reasonable gambling policy in this state.

"The other thing: I am not willing to monkey with the fees at this time because most of these people, as you recall, when we campaigned for relaxation of gambling in the Constitution kept saying, 'Just give it to us because we can pay enough taxes to do away with school levies and everything else.' Now they are kicking when they get a fee or a license. They want it free now. I think the main thing is that we have some common-sense direction while we still have this bill before us."

Debate ensued.

The motion by Senator Bailey carried. Engrossed Second Substitute House Bill No. 487 will be considered further on the second reading calendar for this evening following action on the committee amendments.

The motion by Senator Francis carried and the committee amendment to page 13, section 4, line 7 was adopted.

On motion of Senator Francis, the committee amendment to page 16, adding new sections following section 6 was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 16, following line 17, add a new section to read as follows:

"*NEW SECTION.* Sec. 10. Nothing in this act shall be construed as prohibiting a non-profit corporation from charging an admission charge not to exceed \$5.00 per person for attending an event at which social card games or bingo are conducted."

Senator Woodall moved adoption of the following amendment to the amendment by Senator Bottiger:

After "charge" and before "per" strike "not to exceed \$5.00".

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Jolly yield? Senator, you are a long-time member of the executive committee of the State Grange and you know in all the granges throughout this state they have been sometimes having little simple bingo games and I am just wondering if you think this amendment will cover that or does it go too far, in your judgment?"

Senator Jolly: "Senator Canfield, I think this amendment will cover it."

Senator Canfield: "Would not this amendment allow a grange to charge anybody, member or not, to come into a grange building to take part in such an event?"

Senator Jolly: "Correct."

Senator Canfield: "And I am wondering if we want to open it that far. Do you think we should?"

Senator Jolly: "As far as that goes, most of our granges, if they give a party they do not bar anyone from coming. They let everyone come, and this amendment, I think, will cover that."

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

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

On motion of Senator Francis, the following amendment by Senators Francis and Woody was adopted:

On page 16, following line 17, add a new section to read as follows:

"*NEW SECTION.* Sec. 11. The provisions 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."

Senator Francis moved adoption of the committee amendment to the title.

POINT OF ORDER

Senator Woodall: "The motion by Senator Bailey was to hold this on the order of business."

President Pro Tempore Henry: "That is right."

Senator Woodall: "I would not like the adopting of a title amendment to foreclose submitting further amendments to the main bill after we reconvene. I would like the Chair to state your thinking."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The Chair rules that as long as it is on second reading, regardless of the adoption of title amendments, the body of the bill is open for amendment."

The motion by Senator Francis carried and the committee amendment to the title was adopted.

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

On line 9 of the title, after "RCW" and before the period insert "and declaring an emergency".

Engrossed Second Substitute House Bill No. 487, as amended by the Senate, was ordered held for further consideration this evening.

MOTION

On motion of Senator Grant, Senator Gardner was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 2132, by Committee on Local Government (originally sponsored by Senators Murray, Fleming and Bottiger):

Providing for a state criminal justice training commission.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 2132 was returned to second reading.

Senator Bailey moved adoption of the following amendment:

On page 5, section 8, subsection (9), line 7, strike the semicolon and insert the following: “: PROVIDED, That the commission shall not have the power to invest any moneys received by it from any source in the permanent location of a training facility without having first obtained the consent of the Washington state legislature for such permanent location of the training facility;”

Debate ensued.

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

MOTION

On motion of Senator Fleming, Engrossed Substitute Senate Bill No. 2132 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: “Will Senator Murray yield? Senator Murray, I have a sympathy with this concept. It was my impression that this bill with the specific site and financing arrangements, was turned down the other day. Now it is back without those things. Is that correct?”

Senator Murray: “That is correct.”

Senator Canfield: “Now I want to be assured that this does not or will not in some way commit us to the very things we turned down a few days ago.”

Senator Murray: “That was the purpose of the amendment that we just adopted. Senator Bailey had exactly the same question. I answered it for the record two days ago. We have just adopted a specific amendment that says the commission cannot secure a permanent site without permission from the legislature.”

Senator Canfield: “Or involve any financing programs?”

Senator Murray: “Any specific operational dollars would have to be in the budget. It would have to come back to the legislature, yes.”

Senator Canfield: “Well, I have been here long enough to know that that can be arranged. I just want to be sure that it is not going to be done against the express action of the legislature.”

Senator Murray: “It is certainly not the intent. I do not even know a way that it could be done.”

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2132, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Scott, Sellar, Talley, Twigg, Van Hollebeke, Wanamaker, Washington, Whetzel, Woodall, Woody—38.

Voting nay: Senators Guess, Mardesich, Mattingly, Odegaard, Rasmussen, Sandison, Walgren—7.

Absent or not voting: Senators Donohue, Durkan—2.

Excused: Senators Gardner, Stortini—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fleming, Engrossed Substitute Senate Bill No. 2132 was ordered immediately transmitted to the House.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1075, by Representatives Kopet and Shinpoch:
Providing for state participation in the federal supplemental security income program.

REPORT OF STANDING COMMITTEE

September 12, 1973.

ENGROSSED HOUSE BILL NO. 1075, providing for state participation in the federal supplemental security income program (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 10 after the period strike "It is legislative intent that the" and insert "The".

On line 11 after "provide" strike "a general".

On line 11 after "assistance" strike "grant".

On line 15 after "such" strike "benefits" and insert "program".

On page 2, section 4, line 28 after "submitted" strike "for review and comment to" and insert ", and not become effective until approved by".

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Greive, Herr, Jones, Murray, Twigg.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

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

On page 1, section 1, line 11, after "state" insert "shall".

Senator Fleming moved adoption of the following amendment:

On page 2, section 3, line 10, after "department." insert the following: "*The state supplement shall ensure that no recipient becoming eligible for the supplemental security income program after January 1, 1974, will receive less than he would have received if he were on assistance in the month of December, 1973.*"

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Senator Day, are you saying that by the use of the words, 'the state shall provide,' I believe it is in section 2, that that in effect does all the things that Senator Fleming has mentioned in his motion and the reasons behind his motion?"

Senator Day: "No, I do not say that it does all the things, but what it does is by changing the language that was sent over by the House, for example, in line 15 we changed it to 'such program' - which would not mean that a person who was eligible for a specific program would had to have been eligible for, say old age assistance. And consequently it has given them a little more latitude in attempting to keep the level of support at the stable height and as high as we can keep it."

Senator Woody: "Thank you, Senator Day."

Debate ensued.

President Cherberg assumed the Chair.

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

Senator Lux moved adoption of the following amendment:

On page 2, section 3, line 10, after "department." insert "The amount of the supplement shall in no instance be less than forty dollars for a single person and sixty dollars for a couple."

Debate ensued.

POINT OF INQUIRY

Senator Greive: "Would Senator Day yield to a question? As I read the amendment, and I want to see if you have some interpretation that I am not aware of, it says 'the amount of supplement shall in no instance be less than forty dollars for a single person and sixty dollars for a couple.' If it went up and the federal support went up, how could this in any way lower it?"

Senator Day: "I did not say that it would, Senator. I just said that if the federal support base went up and this mandates that no less support than forty dollars on a single person, let us say the support base is presently one hundred and fifty dollars for a single person and the federal government is providing one hundred and thirty dollars of it and you add forty to that, that would be one hundred and seventy so we would be above the one hundred and fifty, but if the federal support base went up to the one hundred and seventy you still would be mandated to pay the forty dollars under this particular statute, and I do not think that is a good approach to this."

Senator Greive: "Senator, why is that bad?"

Senator Day: "I do not think it would be bad for the recipient but I think that it is possible that what we are attempting to do here now is not to raise to that particular degree subsistence for recipients. What you are doing here is locking in the support level when you do not know what the federal level will consistently be. We know what it is at the moment, what it is projected to be. In addition, Senator Lux has pointed out that thirty-nine counties, you have different support levels, dependent on the area the recipient is in, and you have a flat level of support here. It would be great for people up in Pend Oreille County but it probably would not be enough in King County."

Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Would Senator Day yield to a question? Senator Day, since you are interested and you are worried about the level that the federal government would either go up or down, would you mind if we held this bill a minute and we amended this amendment to be flexible where there is a portion thereof whereas we would not get out of line but we would still try and accomplish the thing that we are doing, and would you support such an amendment?"

Senator Day: "Senator Fleming, in answer to that, that is exactly the intent that Senator Lux stated that he had a minute ago. He said this should be easy to do administratively. And what we are attempting to do in both of these amendments is to take away the ability of the department to make the administrative decision. So what we are doing is trying to mandate levels of payment into the bill and, of course, that is not what we want to do. Now as I said before, I believe this is wrong. I think it is the wrong way to attempt this. I think what we should do is leave this open as it is and then if they do not meet the requirements that this legislature feels they should meet relative to this, I will stand right up here and support amendments to make them do it. I believe they will do it if they have an opportunity. But what we are doing here is writing an amendment that says that the supplement will be a flat amount which you do not know what that is going to do to the level. It may give more to some people than it does to others."

Senator Fleming: "Further on that same question, Senator Day, if we do not do that, how are we professing to cut back their flexibility on that because they can do whatever they wish?"

Senator Day: "That is right. With applicants after January 1 they will be able to do whatever they wish, but I am certain of this, that it is going to be very difficult for the department when we are here in January to substantiate not doing what they had the

capability of doing and what this legislature intends them to do, and that is have equity in these payments. And I just think that if you give them as much freedom to utilize the different programs as they can that you will find that there will be equity an that everyone that is standing up here is really arguing for the same thing."

POINT OF INQUIRY

Senator Durkan: "Will Senator Day yield? Senator Day, if we determine that the amendment as suggested by Senator Lux is necessary, is there any prohibition in January that would not permit us to go ahead and do this?"

Senator Day: "Absolutely none."

POINT OF INQUIRY

Senator Washington: "Will Senator Day yield to a question? At the present time, is the level of state support lower or higher than Senator Lux's amendment, or is that so variable that you cannot answer that question?"

Senator Day: "That is right. It is generally lower but it is much lower in some areas and it is a flexible thing, as he pointed out in his own argument. It varies, depending upon the demands. The department in their present categorization system attempts to meet the demands in the specific areas and so there is a great variance. Now that is why flat figures are just unworkable."

Senator Washington: "Senator Day, also one other question. I think most of our feelings are that if the federal government would completely take over old age, that it would be an excellent form of revenue sharing and that it would then free other revenue that we have for other purposes. And if that were done I can see then why the state would not want to be putting money into these categories. But until that time I can see Senator Lux's point of view that we should have some underpinning. Now is not there some way that his amendment could be itself amended so that it could be effective until the federal government does really take over and relieves us of responsibility with old age assistance?"

Senator Day: "It is my understanding that the federal government is going to take over and that is what this bill is about. It implements their take-over as of January 1. Now it is also my understanding that after January 1 that the recipient will receive one check. Now there is going to be a certain amount of impact to this and we are getting into discussion of the bill rather than the amendment, but the impact is going to come there because there are a number of people in this state who are on social security benefits who get a benefit check which is slightly less than they would be entitled to on public assistance but because of pride or some other reason they do not accept and go down and file for public assistance but that they will automatically now receive one check from the federal government and it will be up to the states to supplement the difference, so there is going to be a fiscal impact relative to that too, Senator."

Senator Washington: "But the point is, the federal government has not completely stepped in yet."

Senator Day: "Yes, they have stepped in in the following categories: This means that the federal government will govern the program in aid to the blind for money grants only, old age assistance, Title I money, sixty-five years and over for money grants only, and disability assistance, that is Title XIV money for totally and permanently disabled. They will run the program relative to the support program. So they are going to run it."

Senator Washington: "But it seems to me if we are still going to continue to have state support . . ."

Senator Day: "But you do not understand. You see, we are not going to have state support on an individual basis. The Department of Public Assistance is not going to be sending individual checks."

Senator Washington: "I see that but we are . . ."

Senator Day: "They are either going to deduct it from federal moneys we receive or we are going to write a check to the federal government which is then going to send the entire check to the recipient, and that is why if we had gotten into all those individual calculations it would have rendered the bill useless and that is what it would have done."

Senator Washington: "That point I can see, but we still, even though we are not doing it on an individual basis, the state is still spending a large amount of money for old age assistance. I am looking forward to the time when the state is not going to be putting money into old age assistance but that the federal government is going to do it, and I think the only place where I see the complication is where the federal government steps in and then we have been mandated a state support, and I think Senator Lux's amendment could be made more flexible."

POINT OF INQUIRY

Senator Lux: "Would Senator Day yield? Senator Day, could I ask you the question, would it be possible that these people that go on after January 1, would the payments be caught up some way? Would this be retroactive? Would these payments, if they were less and you gentlemen did not get around to revamping this bill, these would be retroactive?"

Senator Day: "Yes."

Senator Lux: "Thank you."

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

On motion of Senator Day, the following amendment by Senators Day and Atwood was adopted:

On page 3, line 12, after the period insert a new section as follows:

"*NEW SECTION.* Sec. 6. Notwithstanding any other provisions of this act for those individuals who have been receiving supplemental security income assistance and failed to comply with federal requirements relating to drug abuse and alcoholism treatment and rehabilitation shall be required to reapply for state assistance programs to be eligible for state assistance."

Renumber the remaining section consecutively.

On motion of Senator Day, Engrossed House Bill No. 1075, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1075, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senators Gardner, Stortini—2.

ENGROSSED HOUSE BILL NO. 1075, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2983, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Clarke, Murray, Jones, Connor, Herr, Keefe, Twigg and Francis):

Amending the definition of "dependent child".

The bill was read the second time by sections.

On motion of Senator Day, Senate Bill No. 2983 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Matson, Senator Whetzel was excused.

POINT OF INQUIRY

Senator Woodall: "Would Senator Day yield? It is very interesting but what does the bill do in definition?"

Senator Day: "Senator Woodall, the bill relates to the payment of support for minors eighteen to twenty-one, dependent children eighteen to twenty-one. Now you will recall here last session we passed a bill which addressed itself to the support of a formerly minor over eighteen who then could finish high school. We find after a couple of court cases that we are mandated to pay for all kinds of schoolings through twenty-one years of age or up to twenty-one years of age, and consequently, it is necessary to pass this to differentiate and to not put the state in a position where it has to support a twenty year old going to college."

Debate ensued.

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, in answering Senator Fleming, I would like to just explain to the Senate the problem that we are faced with. We passed, in the last session of the legislature, a measure which we thought would take care of those eighteen year old boys and girls in high school and we put them on general assistance and we thought at the time that this would permit them to graduate from high school and we also said that we gave them one year leeway. The measure was taken to court and the judiciary decided, right or wrong, that not only were the children entitled to high school education but under AFDC that they were also entitled to support from the state Department of Public Assistance until they were twenty-one. Now this is exactly what we are talking about. No disrespect to Senator Fleming. He was one of the great sponsors, and so was I, of those who wanted the eighteen year old amendment. And I talked about it and worked for it and voted for it and I supported it. Now what we are really saying is that those children who have reached the age of eighteen and want to go on beyond high school and want to go to college that it is the responsibility of the state to support them until they are twenty-one in receiving these payments. I do not think anyone can fault me on my support for the poor or the needy but somehow it seems contradictory to me, Senator, that when they have reached the age of eighteen which they have asked for to be independent that they still want to come back and ask the state of Washington to support them while they go to college. And this is what this bill is all about.

"This bill says, in effect, that once they have reached the age of eighteen, we still have the law that we passed in January that permits the graduation from high school and I am for that. I think we should have it. But I do not think that the state of Washington has any responsibility to support them to go on through college in this manner which they are asking. The fiscal impact is five million dollars. It is two and one-half million dollars in state funds and it is approximately a fifty percent match in federal funds. I could support most measures but somehow I think that if these young men and women want to be independent at eighteen we should do everything we could to encourage them. And one of those things in encouraging them is not to support them with taxpayers' money to attend college and therefore I think this bill is very necessary at this time and would hope that the Senate would support it."

POINT OF INQUIRY

Senator Woodall: "Senator Durkan is making more sense all the time. I quite agree, it is rather ridiculous to say, 'I am an adult for purposes of voting. I am an adult to make contracts. I am an adult for all other purposes but I am a baby on this point.' I would like to make one query. Does this bill relieve a parent from an arrogant child that refuses parental discipline, refuses to take orders from their parents, does the bill relieve a parent from having to continue to contribute to the support of a child that will not stay in school and

will not mind the parent and may make some uncomplimentary remarks concerning the parent? Does this eliminate the duty of a father to pay money to an arrogant insubordinate who will not listen to him?"

Senator Rasmussen: "Mr. President, in answer to Senator Woodall's question, I think that the department was holding an administrative rules proceeding either this month or last month in which they were going to give that child support, and I think they have adopted that rule. I am not sure. Maybe Senator Day knows. They were going to do that by administrative rules procedure."

Senator Day: "Mr. President, Senator Woodall's question, the answer to it is that this bill directs itself to a child in need under the age of eighteen who has been deprived of parental support."

POINT OF INQUIRY

Senator Woodall: "My query was this, and perhaps the bill takes care of it. Here is a child that refuses to stay home, refuses to do what the parents want, and then goes and applies for welfare. Now if I understand the present law once the welfare gives it to the child they can come back on the parent and make the parent reimburse them what they gave this insubordinate rebellious child who would not stay home and listen. Now does this law then make it so that in the future the department still can come back on the parent of a child eighteen to twenty-one if the child goes and applies for welfare? Can you make the parent pick up the tab? If you can, it ought to be changed."

Senator Day: "I think the answer to Senator Woodall's question is no, that this takes that particular child out from under the direction of the department and the responsibility of the department."

POINT OF INQUIRY

Senator Grant: "Will Senator Day yield? Senator Day, I cannot quite understand this digest of the bill. It is my understanding from the remarks of Senator Durkan that those between the ages of eighteen and twenty-one who otherwise would have been eligible would not be eligible now as a result of the passage of this, but the digester's note indicates that there is a fiscal impact of three million one hundred sixty-nine thousand dollars, of which one million four hundred and eighty-five thousand would be the state's share. I cannot understand whether or not, first of all, that is additional cost to the state? If so, why, if there are less people eligible?"

Senator Day: "I will take another run at it here for you. The correct fiscal note is four million seven hundred and eighty-two thousand dollars; two million five hundred and forty from the federal government and two million two hundred and forty-one from the state government. That is the correct fiscal note. Now that is the impact if this bill is not passed. You see, we passed a bill here in 1973, it came out of my committee with full support of the committee, to see that there was continuing dependent child support for a young person in high school, and they have had a court interpretation since which mandates that that extend support through twenty-one for pursuit of college. And that was not the intent of the committee and of course you can see where the additional fiscal impact came from. So it is definitely necessary in order for the intent of the 1973 legislation in January to succeed. Actually, what will happen, I believe, if this does not pass we will have to come back here next time and wipe out the good intentions of the last bill which would see a young person through high school and we do not want that to happen."

POINT OF INQUIRY

Senator Fleming: "Would Senator Day yield to a question? Senator Day, I am wondering since you are an expert on this bill and also on 753, would it or is it a fact that even if we passed this bill that we are talking about now, are there still people, young people going to college, students, that would still be covered and we would have to provide aid as a result of House Bill 753 that we had passed before?"

Senator Day: "The answer to that is no, because there are some eligibility requirements in 753, which the Attorney General says that he hangs his hat on, will not allow that to happen. Now of course anybody can sue and go to court and it is possible that that will be turned around. However, if it is, at least this will protect us in the meantime and then when the court decides, we will have the right language to put in here to make sure that we can continue to see that young people can finish high school. And that is what the original intent of the legislation was."

Senator Fleming: "Did I hear you right when you said that you had an Attorney General's opinion?"

Senator Day: "No, I said we had a verbal consultation with the Attorney General in the Department and he feels . . ."

Senator Fleming: "Senator Day, not trying to belabor this, but normally in a case like this when we have such a controversial matter as this in that it has already been to court and so forth, before we proceed in such haste, do not we usually try to get an Attorney General's opinion, a written one?"

Senator Day: "Of course that is true if we were down here for a sixty-day session. We are not. We are hoping to wrap this up tomorrow. It is obvious we cannot get a written opinion, so the only alternative I see for us to protect ourselves relative to this is to pass this piece of legislation, to take the verbal opinion we have and I think we ought to pass it out of here and get on with this business."

Senator Fleming: "One final question and I will stop. We did in this legislature, be it the House or Senate, I assume begin to study this issue before the last couple of days. They did in the House consider this issue."

Senator Day: "We have had this issue under discussion since we passed the 1973 legislation."

Senator Fleming: "Okay. It would seem like we could have had an Attorney General's opinion."

Senator Day: "Of course it was not necessary until after the recent, very recent court decision."

Senator Fleming: "But there was a question of it even before then."

Senator Day: "Of course there is always a question but the question is not something that you answer until it is raised by someone and then when it is in the courts you certainly do not go over and ask an Attorney General's opinion until after the decision has been reached."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2983, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Woodall, Woody—44.

Voting nay: Senators Fleming, Grant—2.

Excused: Senators Gardner, Stortini, Whetzel—3.

SENATE BILL NO. 2983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Day, Engrossed House Bill No. 1075, as amended by the Senate, and Senate Bill No. 2983 were ordered immediately transmitted to the House.

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

REPORTS OF STANDING COMMITTEE

September 12, 1973.

SENATE BILL NO. 2002, exempting retired persons from property taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2002 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Dore, Fleming, Grant, Marsh, Sandison, Woody.

Passed to Committee on Rules for second reading.

September 13, 1973.

ENGROSSED HOUSE BILL NO. 1121, relating to the Washington State Teachers' Retirement System (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Fleming, Gardner, Grant, Marsh, Peterson (Ted), Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

September 14, 1973.

Mr. President: The House has passed HOUSE BILL NO. 178, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2992, by Senator Durkan:

An Act relating to programs administered by the department of social and health services; making an appropriation; declaring an emergency; and providing for the expiration of this act.

Referred to Committee on Rules.

HOUSE BILL NO. 178, by Representatives King and Morrison (by Public Employees' Collective Bargaining Committee request):

Making certain changes in the laws regulating labor relations in health care activities.

Referred to Committee on Rules.

There being no objection, at 4:35 p.m., the Senate was declared to be at ease.

The President called the Senate to order at 4:50 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2959.

SECOND READING

SENATE BILL NO. 2959, by Senator Durkan:

Providing for a system of property tax exemptions.

MOTIONS

On motion of Senator Durkan, Substitute Senate Bill No. 2959 was substituted for Senate Bill No. 2959 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, Substitute Senate Bill No. 2959 was made a special order of business for 8:00 p.m. this evening.

SECOND READING

SENATE BILL NO. 2978, by Senators Murray, Washington and Talley:
Establishing a program of baseline studies by the department of ecology.

The bill was read the second time by sections.

On motion of Senator Washington, Senate Bill No. 2978 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question?"

Senator Washington: "Yes, I will yield. If I have trouble with it I will give it to Senator Murray, who is on the Oceanographic Commission."

Senator Rasmussen: "So am I. That is why I am wondering. You do not learn anything there either, by the way. Of course I have not been on too long. Senator Murray has more wisdom. I would like to find out though, this base line study that you say sets guidelines, in scanning this bill I actually can see no guidelines but assuming that they do establish a base line study and that they go to the bottom of the bay and all the shorelands surrounding."

Senator Washington: "It does provide, of course, as a priority matter they are to study the areas of the Sound that would be most likely to have problems with oil spills."

Senator Rasmussen: "That relates to my question. Are they to determine what damages, potential damages from an oil spill so that a property owner could use this base line for a suit in court?"

Senator Washington: "Yes. That is really the basic reason for it. As far as the state is concerned, of course, in order to take care of the penalties that we have in our oil spill bill. But we provide here that it will be a multi-purpose information and the information would be available for landowners to use in the event of a suit."

Senator Rasmussen: "I am not alone thinking of landowners. What I am thinking now is that the Department of Ecology is charged with making this study and then the Department of Ecology will also use this study that they have made to assess the fines that they have the power to assess."

Senator Washington: "Yes, they could use it for that purpose. One of the major reasons, of course, is that at the present time you do not know the quality of the water and if there is a major oil spill, if you attempted to enforce the penalty provisions you would not be able to prove your case in court because you have to establish what the condition of the thing that is damaged, what its condition is prior to the damage and then you have to assess the damage later and then try to assess a monetary amount of money. Now our problem is, at the present time you could show that after the oil spill you have much loss in the organisms in the water. You can tell what the condition is after the spill but you do not have any evidence to show what it was before the spill. This is what the base line study is designed to assist in."

Senator Rasmussen: "I was wondering of the ethics of it of the department making the study, determining the base line, and then also using the base line that they had determined as a position from which to go for the assessment of penalties. Whether rather it should be an independent group is my thought."

Senator Washington: "Of course they are the agency of the state. I think your information would be of a scientific nature. Senator Murray might supplement my answer."

REMARKS BY SENATOR MURRAY

Senator Murray: "Mr. President, I would like to point out a couple of things. This, number one, sets the parameters of what will be determined and comes from the scientific community that makes up the Oceanographic Commission. At the last meeting of the Oceanographic Commission we did make a recommendation as to the definition of what base line studies should be and what the priorities would be. That is what is incorporated in this bill.

Now I would like to point out two things that might help answer your question, Senator Rasmussen. One is that the area of investigation to determine base lines, at the top

of page 3, says 'will include chemical, physical and biological parameters of the waters. Complete information on marine pollution accidents, and economic evaluation' and so on. Then it also goes down, in the last section, section 4 on page 3, to state the priorities which should be assigned to the money that will be used and that we have appropriated in the appropriations bill. The number one priority is to get the base line studies, the facts and figures of the chemical, physical and biological parameters of the areas in which we have the greatest risk of damage from oil spills. Secondly, 'which contain marine and fresh water life which would be particularly sensitive to marine oil spills,' and third, to find out the information that might be of economic value for the development of marine life, specifically fish farming type of activities. Now all of these things are included in base line studies. I think the point that we do want to make and we want to establish is that the number one priority now for the allocation that we have granted is for the purpose of taking things in a priority order that is defined in section 4.

"Now another factor that I think should be pointed out in partial answer to your question, that this grants the Department of Ecology to work with, 'the department shall contract with existing state agencies, boards, commissions and institutions of higher education for the scientific investigation program to be conducted.' I think it is quite important to point out that probably the actual work will not be done by the Department of Ecology but will probably be done by other state agencies who have the scientific personnel, the expertise and the equipment to make this kind of investigation. So that they will not be making the rules and then imposing the fines in the same agency."

REMARKS BY SENATOR GUESS

Senator Guess: "I would like to answer one other point to Senator Rasmussen in his concerns about hat. I think that I have been as much concerned about this problem as anybody on the committee and to me I think we are doing that phase of the operation that is necessary in connection with oil spill. I have had a great fear that we would have a major oil spill and somebody would be assessed penalties far beyond the capability of our people to know what they were assessing on. And if we do have the conditions, we know what the marine life is, we know the biological makeup of the ocean floor and the ocean waters, then I think that we can have an orderly way of making a determination. Particularly, I would remind you of the fact that they had a tremendous spill down at Santa Barbara and there were people who claimed that the sea life would never be the same. Actually, after a period of about three years it was very difficult to tell down there what had happened or if there was any residual effect. But without some kind of a means or an index, a cataloging of what we have, you cannot make a proper determination as to what the restitution should be. So I support this measure and I think that it is taking us in the direction that I would like to see the state go."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2978, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Bottiger, Durkan, Twigg—3.

Excused: Senators Gardner, Stortini—2.

SENATE BILL NO. 2978, having received the constitutional 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 Washington, Senate Bill No. 2978 was ordered immediately transmitted to the House.

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

MESSAGE FROM THE HOUSE

September 13, 1973.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2603, with the following amendments:

On page 1, section 2, at the beginning of line 26, strike "less" and insert "more".

On page 2, section 3, line 24, after "not" strike "less" and insert "more".

On page 4, section 4, line 6 following "receive" strike "equal to" and insert "multiplied by".

On page 4, section 4, line 28, after "benefit" insert "of three percent for each complete year that such employee is under fifty-five years of age".

On page 4, section 4, beginning on line 33, after "benefit" strike all material down to and including "employment" on line 2, page 5, and insert "in a calendar year following a calendar year in which their employment income was in excess of \$6,000. This \$6,000 base shall be adjusted annually beginning in 1974 by such cost of living adjustments as are applied by the Public Employees' Retirement System to membership retirement benefits".

On page 5, section 6, line 33, after "cost" insert ": PROVIDED, That such billing shall not exceed \$861,000".

On page 6, section 9, line 15, strike "until and including September 14, 1974" and insert "for employees of those state facilities closed after May 1, 1973 and prior to September 14, 1974", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Peterson (Lowell) moved the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2603.

POINT OF INQUIRY

Senator Dore: "Is there any change on the age of that pension? Fifty-five? Is there any change in that section?"

Senator Peterson (Lowell): "Page 4, section 4, Senator Dore. On line 28, after 'benefit' the House amendment states, insert 'of three percent for each complete year.' Three percent of each complete year that such employee is under fifty-five years of age. In other words, they did make a change in it, but they did not lower it back."

Senator Dore: "What is the change?"

Senator Peterson (Lowell): "I just read it."

Senator Dore: "They cannot get pension benefits until they are fifty-five. If they take it at forty-five they have to have it based on an actuary basis. It is discounted."

Senator Peterson (Lowell): "That is right."

Senator Dore: "How did they change it? What is the change?"

Senator Peterson (Lowell): "It would read that they would be eligible to retire with an actuarial reduction in the amount of his pension benefit of three percent of each calendar year that such employee is under fifty-five years of age."

Senator Dore: "How does that compare with the way the bill went out of the Senate, in terms of dollars?"

Senator Peterson (Lowell): "I think it refers to the Whetzel amendment but it does not substantially change it, does it? It does not appear to me that it does."

Senator Dore: "I do not know. That is what I am asking."

MOTION

At 5:15 p.m., on motion of Senator Mardesich, the Senate recessed until 8:00 p.m. this evening.

EVENING SESSION

The President called the Senate to order at 8:00 p.m.

There being no objections, Senators Bailey, Newschwander and Dore were excused to attend a meeting of the Ethics Committee.

The Senate resumed consideration of the House Message on Engrossed Substitute Senate Bill No. 2603, and the House amendments thereto, and the motion by Senator Lowell Peterson that the Senate do concur in the House amendments.

The motion by Senator Peterson (Lowell) carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2603.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2603, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; nays, 17; absent or not voting, 3; excused, 4.

Voting yea: Senators Atwood, Bottiger, Connor, Donohue, Fleming, Francis, Gardner, Greive, Henry, Herr, Knoblauch, Lewis (Harry), Lux, Marsh, Metcalf, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel—25.

Voting nay: Senators Canfield, Clarke, Day, Guess, Jolly, Jones, Lewis (Bob), Mardesich, Matson, Mattingly, Murray, Peterson (Ted), Scott, Sellar, Twigg, Woodall, Woody—17.

Absent or not voting: Senators Durkan, Grant, Keefe—3.

Excused: Senators Bailey, Dore, Newschwander, Stortini—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2603, 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

September 13, 1973.

Mr. President: The House has passed SENATE BILL NO. 2954, with the following amendments:

On page 1, line 2 of the title after "47.56.720;" insert "providing a study;"

On page 2, line 18 add a new section to read as follows:

"*NEW SECTION.* Sec. 2. The legislative transportation committee, in cooperation with the state highway commission and the boards of county commissioners of counties operating ferry systems, shall conduct a study of the operations and financing of such systems so as to determine at what level, if any, the state highway commission should provide financial assistance to these counties. A report containing the findings and recommendations shall be made to the next regular or special session of the legislature."

Reumber the remaining section consecutively., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

On motion of Senator Mardesich, Senator Grant was excused.

On motion of Senator Walgren, the Senate concurred in the House amendments to Senate Bill No. 2954.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2954, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Durkan, Fleming—2.

Excused: Senators Bailey, Dore, Grant, Newschwander, Stortini—5.

SENATE BILL NO. 2954, 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

September 14, 1973.

Mr. President: The House has passed the veto of HOUSE BILL NO. 356 of the First Extraordinary Session of the 43rd Legislature, notwithstanding the veto of the Governor, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Knoblauch moved that the Senate do pass House Bill No. 356, notwithstanding the Governor's veto.

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President and members of the Senate, just a few months ago both Houses here passed a measure which would place Memorial Day and Veterans' Day back to the old dates that we had celebrated for so many years. I do not know how I can find the words to try and dramatize the need to put these two dates back to May 30 and November 11. These two dates are tributes to our veterans and I wish I could take you to Madigan Hospital in the Christmas season to let you visit with some of these men who gave so much in Viet Nam, or to take you to the Veterans' Hospital in Tacoma, to let you see and talk to men who fought in many of our wars. The change in dates, I would assume and I suppose I could say feel sure, were changed by the tourist industry, who wanted to have long holiday weekends. Is it asking too much that we in America go back to the old dates, the dates that mean so much to many of us. May 30, a date as long as I can remember that we put aside to honor our war dead. November 11, I can remember since a young lad a day in Sumner when we set aside a special evening to honor those men who fought in World War I.

"You know, thirty-one states in our nation have gone back to both of the old dates or to one. Many of those states are large states and they realized that the people of their own areas want to go back to the old dates and honor our war veterans. Some people in America have forgotten those who gave so much. Memorial Day is no longer a day to remember the war dead. It is a time to go out on the highways and to have more accidents and to forget about those who gave so much. Are the veterans in America and their families asking too much when they ask the Senate and the House of the state of Washington to have Memorial Day on May 30 and Veterans' Day on November 11? I do not intend to criticize the Governor for his veto. I simply want to say that the veterans in my area and the veterans' organizations throughout the state of Washington have asked us men, and women of the House, to make this change. No, I do not think the veterans of the state of Washington are asking too much.

"I am hopeful tonight that the members of the Senate will remember those men and women who gave so much that we can enjoy freedom. And then we have these two days we

have so long observed put back on our state calendar again. I hope that you members of the Senate will vote for this measure tonight to let the veterans of our state know that we remember and that we care."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, I think that Senator Knoblauch probably made all the speech that is necessary in regards to the issue that is going to be before us. I just wanted to add a little bit. Thirty states, this article says, now set to observe Veterans' Day on November 11. And since this was printed, Illinois has adopted the change so there will be thirty-one states now. In addition to that, if it was not enough for the honoring of the veterans and those who have served their country, this is the birthday of the forty-second state, the state of Washington, and it says the Constitution was ratified by the people at an election held on October 1, 1889, and on November 11, 1889, in accordance with section 8 of the enabling act, the President of the United States proclaimed the admission of the state of Washington into the Union. One of my constituents, after the Governor had vetoed the bill, wrote to remind me of that, and that alone would be enough reason to honor the day of November 11. But Senator Knoblauch has given you many more reasons and I urge you to vote to override the veto and move the dates back to November 11 and Memorial Day to May 30. I urge your support."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Holidays, Mr. President and members of the Senate, holidays are next to holy days because the first holidays we ever had were holy days. They were days that had a specific significance. That is why we had them. The first holidays we ever had were holy days, Sundays, Christmas, Easter. They were holy days, and holidays are right next behind holy days because they have a significance. Now I can remember as a youth, and I at this time want to pay tribute to the fine remarks of Senator Knoblauch, for whatever we may think of his philosophy on any measure or wherever we may have differed, there is none in this room that has ever doubted this man's love of America or his patriotism. Never. And if there is anything that needs to illustrate the importance of returning these dates to something of significance I think we all witnessed last time the despicable display of arrogancy when we were honoring a man who happened to be from my county, but that is immaterial, he was from America, who had done seven and one-half years in a prisoner of war camp, and two slobby, fat, braless women sat arrogantly in the gallery and refused to stand in tribute to him. And you all heard Representative Pardini explain what he thought about them and when they came over here you listened when Senator Knoblauch told them what he thought about them and their conduct. And that stands as mute testimony to the need to return these days and make them significant, not just a long weekend to run up more statistics on accidents. That there is a reason for them. That the youth should commemorate.

"I can recall when I was in school people from the Legion would come up to the high school and we would on November 11 have an assembly or if there was a football game we would stand and pause and pay tribute and we were reminded that a lot of great men died or got shot or got hurt because they happened to believe in certain things. And now some people think it is more important to have a long weekend than to remember why we are doing these things. And I say that it is time that we return and remember why we do it.

"I had a grandfather who fought in the Civil War. He got injured. He died when my mother was age three. And we used to recall every Memorial Day. It had a significance. It had a tender significance to us because someone who was connected with us had passed away fighting for his country. These things are important and they are vital and to say that the commercialism of the era, you may as well put Christmas another place and say that Christ should take second place to commercialism. Patriotism should take second place to commercialism or vacationism. I say it is high time to say there are certain basic values which are much more important than the long pleasure weekends. So I join with Senator Knoblauch, Senator Rasmussen in their hope that this Senate will rise up and say, 'We place love of country over love of a long weekend.'"

ROLL CALL

The Secretary called the roll. The motion by Senator Knoblauch carried and the Senate passed House Bill No. 356, notwithstanding the Governor's veto, by the following vote: Yeas, 37; nays, 9; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Connor, Day, Donohue, Dore, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Woodall, Woody—37.

Voting nay: Senators Clarke, Fleming, Jones, Murray, Newschwander, Scott, Sellar, Washington, Whetzel—9.

Absent or not voting: Senator Durkan—1.

Excused: Senators Grant, Stortini—2.

HOUSE BILL NO. 356, having received the constitutional two-thirds majority of the members present, passed the bill notwithstanding the governor's veto.

MESSAGE FROM THE HOUSE

September 12, 1973.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2967, with the following amendments:

On page 2, section 3, line 16 after "committee" and before "shall" insert "and one member of the minority party from each house".

On page 2, section 4, line 30 after "usage" strike the semicolon and insert ". In developing its recommendations the committee should consider the economic, social and environmental impact of a curtailment and/or allocation program;"

On page 5, section 8, beginning on line 7 after "governor," strike "may be specifically exempted by the governor" and insert "shall be exempted", and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Walgren moved that the Senate concur in the House amendments to Engrossed Senate Bill No. 2967.

POINT OF INQUIRY

Senator Whetzel: "I wonder if Senator Walgren would explain the import of the amendment by Representative Perry changing the 'may be specifically exempted' to 'shall exempt from the state Environmental Policy Act.' Does not that mean that the Governor would have no discretion, that in fact by passing the Perry amendment we are exempting all of these acts from the Environmental Policy Act?"

Senator Walgren: "We are, that is correct, Senator Whetzel. We are indeed specifically exempting that particular provision, the Environmental Protection Act, during the emergency period that may be declared by the Governor. That, as a matter of fact, was in our original draft of the legislation as we were considering it in the committee and it got changed to 'may' as we were proceeding there through the process and was corrected over in the House."

Senator Whetzel: "What would be the import of this? Would that mean that there could be during this period when this act is in effect, that certain actions could be taken without regard to the Environmental Policy Act that normally would require that?"

Senator Walgren: "Specifically, we were interested in the requirement to have an environmental statement prepared and that was of great concern during an emergency period, and of course this is only going to go into effect once there had been an emergency declared."

Senator Whetzel: "Mr. President, I have no objection to the first two amendments by Representative Berentson and the joint amendment by Representatives Charnley and Kraabel but I think the language when it left the Senate, 'may' is a much better way of handling this than specifically and completely exempting these actions. What I am concerned about, and I do not know whether this is the kind of situation that would come up or not but, for example, there is a great controversy whether Ross Dam should be raised or not. I presume that that has passed beyond the stage that it is probably not any longer under the Environmental Policy Act, but suppose it had not been. Are we, by passing this bill with this provision in it, allowing all kinds of projects that might quickly be authorized under these emergency powers, even though they might never come into construction for years later and bypass the procedure that we set up in the Environmental Policy Act, and I find that I do not really have any answer on that question. I am concerned that we should not allow any discretion in that and therefore I feel compelled to vote against the concurrence on the Perry amendment and if the Senate concurs with it, I shall vote against the bill."

Debate ensued.

The motion by Senator Walgren carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2967.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2967, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senator Durkan-1.

Excused: Senators Grant, Stortini-2.

ENGROSSED SENATE BILL NO. 2967, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1126, by Committee on Ecology (endorsed by Representatives Smith, Wilson, Beck, Valle, Charnley, Pullen, Nelson, McCormick, Kraabel, Bluechel, Zimmerman, North (Lois), Goltz and Bauer):

Implementing law authorizing outdoor fires.

The bill was read the second time by sections.

On motion of Senator Washington, Engrossed House Bill No. 1126 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1126, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Gardner, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott,

Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Durkan, Herr, Lewis (Harry)—3.

Excused: Senators Grant, Stortini—2.

ENGROSSED HOUSE BILL NO. 1126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 178, by Representatives King and Morrison (by Public Employees' Collective Bargaining Committee request):

Making certain changes in the laws regulating labor relations in health care activities.

The bill was read the second time by sections.

On motion of Senator Woody, House Bill No. 178 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 178, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Connor, Day, Donohue, Dore, Fleming, Francis, Gardner, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—38.

Voting nay: Senators Canfield, Clarke, Guess, Lewis (Bob), Newschwander, Sellar, Twigg, Woodall—8.

Absent or not voting: Senator Durkan—1.

Excused: Senators Grant, Stortini—2.

HOUSE BILL NO. 178, having received the constitutional majority, 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. 487, by Committee on Commerce (originally sponsored by Representatives Johnson, Kalich and Ellis):

Changing the definitions relating to lotteries.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 487 as amended by the Senate earlier today.

On motion of Senator Bailey, the following amendment to the committee amendment was adopted:

On page 13, section 4, line 27 after "cities" insert "or non-charter code cities" and after "city" insert "or non-charter code city".

POINT OF INQUIRY

Senator Woodall: "Senator Francis, I would like to ask you two or three questions. I read in the paper only this morning where they were proposing that anyone, anyone, and that refers to club members, lodge members, Legion members, parish members, anyone who would have anything to do with a bingo game would have to give a ten-year rundown on his life in order to be in it, or if you got elected president of the Eagles or Elks, you would then have to file all this on yourself, which of course is as ridiculous as it is obnoxious. To say that if your own order wants to elect you, that you then have to have five people over here check your life for the last ten years to see if the particular lodge was proper in electing you. Now what I want to know is, have we corrected that? Have we taken that facet out of it?"

Senator Francis: "Senator Woodall, you were present in the meeting of the Senate Judiciary Committee in which we considered the House amendments and added amendments from the Senate. As you recall, the Senate expert is Senator Twigg, the House expert is Representative Kuehnle. Both of them helped create what is now found in RCW 9.46, and all amendments here go to section 7, which is RCW 9.46.070 setting forth the powers and duties of the commission. And in that section we, in effect, direct them to make sure that gambling is run in a proper way in this state. Now I have not seen the amendments that you are talking about. You have mentioned that you are an ex-officio member of the commission. I take it you have watched them carefully and you have watched what they have been doing. I have not seen their recommendations. I have heard about them. This bill that we are getting at corrects things that we have known about, that we have needed to get at and that we have been working on for the last two months, trying to improve this law. As far as trying to override what they are doing in their regulations, we have not gotten at that in any respect in this bill. And in that sense we certainly are not taking care of the problem, as you put it. I do not think we can do it that quickly. I think we ought to, if we are going to overrule them on what their regulations are, have some hearings and ought to listen to their reasons for, as well as the reasons against, and make some careful decisions. But I do not think that that, which I agree with you is a very worthwhile effort, should interfere with our passage of this bill tonight that has some very excellent and very needed amendments."

MOTION

On motion of Senator Mardesich, Engrossed Second Substitute House Bill No. 487, as amended by the Senate, was ordered to hold its place on the second reading calendar for Saturday, September 15, 1973.

SECOND READING

ENGROSSED HOUSE BILL NO. 1121, by Representatives Bagnariol, Morrison, Thompson, Fortson, Beck, Ceccarelli and Douthwaite (by Washington State Teachers' Retirement System request):

Making certain changes in the teachers' retirement system.

REPORT OF STANDING COMMITTEE

September 13, 1973.

ENGROSSED HOUSE BILL NO. 1121, relating to the Washington State Teachers' Retirement System (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 2, line 26 after "*of*" and before "*service*" strike "*such*".

On page 3, section 2, line 26 after "*service*," and before "*for*" insert "*, whether or not elected or appointed service,*"

On page 5, line 1 after "*retirement.*" and before present section 3, beginning on page 5, line 2 add a new section as follows:

"Sec. 3. Section 31, chapter 80, Laws of 1947 as last amended by section 9, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.310 are each amended to read as follows:

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments before [June 30, 1970] *January 31, 1974* [, or, if not employed on the effective date of this act, before June 30th of the fifth school year after entry into public school employment in this state]. Payments covering all types of membership service credit [may] *must* be made in a lump sum [when due, or in annual installments, with three percent interest. The first annual installment of at least twenty percent of the amount due must be paid before the date specified above, and the final payment before June 30th of the fourth school year following that in which the first payment was made] *prior to January 31, 1974*: PROVIDED, That a member who had the opportunity under this section prior to July 1, 1965 to establish credit for services previously rendered and failed to do so shall be permitted to establish such credit only for previous public school service rendered in the state of Washington: PROVIDED FURTHER,

That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state."

Renumber the remaining sections.

On page 7, line 15, after "beneficiary." insert a new section to read as follows:

"Sec. 5. Section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570 are each amended to read as follows:

Any retired teacher who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days per school year without reduction of pension [.] : *PROVIDED FURTHER, That any member holding a publicly elected office, having a fixed term to which he has been elected, who has qualified to retire pursuant to RCW 41.32.470 and 41.32.480, RCW 41.32.540 or RCW 41.32.550, may at any time thereafter, while still in office, apply for and receive a retirement allowance, if otherwise eligible therefor, while continuing to serve as an elective official but such person shall no longer be a member of this or any other state retirement system after his retirement.*"

On page 7, line 31, after "act." insert another section to read as follows:

Sec. 6. Section 5, chapter 147, Laws of 1972, 1st ex. sess. and RCW 41.32.583 are each amended to read as follows:

"A publicly elected official [who] having served twelve consecutive years in a state-wide office [and who], retiring [from office] on or before [January 10,] *February 1,* 1973 and who is currently a *retired* member of the Washington state teachers' retirement system, may [transfer to the Washington public employees' retirement system provided such transfer is made by February 1, 1973.] *elect to receive the increased benefits provided by chapter 189, Laws of 1973, 1st extraordinary session or by this 1973 amendatory act. Such election is to be in writing and any new benefit shall become payable on the first day of the month following the month in which the election is made.*"

Renumber the remaining sections.

On page 1, line 9 of the title, after "41.32.580;" and before "and" insert "amending section 31, chapter 80, Laws of 1947 as last amended by section 9, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.310;"

On page 1, line 9, of the title, after "41.32.580;" and before "and" insert "section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570;"

On page 1, line 9, of the title, after "41.32.580;" and before "and" insert "amending section 5, chapter 147, Laws of 1972, 1st ex. sess. and RCW 41.32.583;"

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Fleming, Gardner, Grant, Marsh, Peterson (Ted), Woody.

The bill was read the second time by sections.

With the consent of the Senate, Senator Durkan commenced explanation of all amendments proposed by the Senate Ways and Means Committee.

Senator Durkan moved that the Senate Ways and Means Committee amendment to page 7, line 31 be withdrawn.

POINT OF INQUIRY

Senator Canfield: "I just want to be sure that Senator Durkan has the right amendment removed."

Senator Durkan: "Senator Canfield, on page 7 of the bill, beginning with line 20 and the word 'PROVIDED,' I would move that we strike all the underlined material through line 30."

Senator Canfield: "Before we vote on that, would Senator Durkan yield to another question? Senator, I was under the impression that the amendment on page 3, subsection 3,

was the amendment under question. I would appreciate it if you could check that before we vote."

Senator Durkan: "No, absolutely no, Senator. That is not correct. That applies to elected public officials."

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 1121, together with the pending committee amendments, was ordered placed at the end of the second reading calendar for this evening.

SPECIAL ORDER OF BUSINESS

SECOND READING

SUBSTITUTE SENATE BILL NO. 2959, by Committee on Ways and Means (originally sponsored by Senator Durkan):

Providing for a system of property tax exemptions.

The time having arrived, the Senate commenced consideration of Substitute Senate Bill No. 2959.

Senator Durkan moved adoption of the following amendment:

On page 8, section 6, line 8 strike all of subsection (4) and substitute the following:

"(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public service of the state;"

Debate ensued.

POINT OF INQUIRY

Senator Greive: "Will Senator Durkan yield to a question? Senator, the hospital I want to ask you about is a hospital I do not represent but I have run across it simply because it turned up in a case, a similar case when I was doing some research. This particular hospital is one where the hospital building itself is owned by a trust, an insurance company in the East, but it is rented on a long term lease by a nonprofit corporation and operated as such. Now the case that I ran across happened in King County and it was a legal action, this is actually all a matter of public record, a legal action brought against Mr. Hoppe and which the court held that this was a nonprofit hospital. Now would this particular set of circumstances exempt this particular hospital?"

Senator Durkan: "No, it would not. But the next amendment which is going to be proposed by myself will."

POINT OF INQUIRY

Senator Washington: "Perhaps my question is, Senator Durkan, the question that has come to me most often is whether or not in our exemptions where a number of churches allow part of the church facilities, usually the church basement, to be utilized for a day care center and there was some possibility that the way the bill was drawn that they would lose their exemption."

Senator Durkan: "It is exempt."

Senator Washington: "Under the bill or under an amendment?"

Senator Durkan: "Under the bill. It is the only thing new that is exempt, day care centers."

POINT OF INQUIRY

Senator Woodall: "Would Senator Durkan yield? Senator Durkan, under this bill how about church parsonages?"

Senator Durkan: "They are exempt to the extent that they are occupied for the purposes of the church."

Senator Woodall: "In other words, if a preacher like Billy Graham or someone else lives in one of those, he gets it tax free, irrespective of what his total salary for the year is. Is that correct?"

Senator Durkan: "We have restrictions on salaries. Senator, this bill has been drawn as tight legally as this committee could do. We have rejected everything that is liberalizing any tax exempt property. We have drawn it so tight that there have been objections from those people who would benefit from more liberalized portion of the bill."

Senator Woodall: "That is not exactly an answer. I said . . ."

Senator Durkan: "Parsonages are exempt."

Senator Woodall: "In other words, if Billy Graham gets sixty grand a year he lives in a tax free house under this bill, or any of the other successful evangelists, and someone else earning a lesser income has to pay real estate tax on their home. Is that correct?"

Senator Durkan: "That is correct, but any person, Senator, whether they get sixty thousand or six thousand or six hundred, if they live in what is a parsonage, is exempt."

POINT OF INQUIRY

Senator Guess: "I would like to ask Senator Durkan if in the instance of a church where the church has the dining room and the kitchen facilities and senior citizens are preparing meals for those senior citizens who are house ridden, if this would in any way endanger the church property."

Senator Durkan: "They are exempt."

Senator Guess: "Thank you."

POINT OF INQUIRY

Senator Greive: "Senator Durkan, just so we will get this on the record, I think I know the answer but I do want to put this question to you. We have a situation in West Seattle, which is my district, where a group is under the auspices of the Seattle Community College. They conduct a day care center. It is a part of the instruction where they actually have a teacher who is employed by the community college to come and instruct them, and they conduct this day care center and the instruction inside a church. Now it has been recently ruled by Mr. Hoppe that the entire church property, because they rent it to them and they only pay enough to take care of the utilities, so I have been informed, must pay taxes. Is it your understanding that they would be . . ."

Senator Durkan: "I feel they are exempt."

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

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

On page 8, section 7, line 31, after "exemption" and before the semicolon insert "PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to section 3 of this 1973 amendatory act if the property used for the purpose stated is either leased or rented".

On motion of Senator Atwood, the following amendments were adopted:

On page 10, line 11, after "file" and before "an annual" strike "an initial application for exemption and".

On page 11, line 1, after "each" and before "application" strike "initial" and insert "annual".

On page 11, on line 1 after "shall be" and before "deposited" on line 2 strike "paid with each such application and shall be".

On page 11, on line 12 after "denying the" and before "application" on line 13 strike "initial".

On page 13, following line 28, insert a new section to read as follows:

"*NEW SECTION.* Sec. . . . There is hereby appropriated to the Department of Revenue \$450,000 from the general fund to administer the provisions of this 1973 amendatory act for the biennium ending June 30, 1975."

Renumber the following sections accordingly.

POINT OF INQUIRY

Senator Whetzel: "Before we go to third reading, could I ask Senator Atwood a question? By appropriating money and putting this fee in a bill dealing with taxes and tax exemption, are we running afoul of the Constitution?"

Senator Atwood: "I do not think so because this bill requires the Department of Revenue to do certain things and we do this very often, appropriating the money for the administration of a new act. I am not going to raise the point and I hope that none of you do. Otherwise we will be back in January giving them the money. I thought we should do it in this bill, though."

On motion of Senator Lewis (Harry), Engrossed Substitute Senate Bill No. 2959 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 Whetzel: "I wonder if Senator Lewis will yield to a question? Senator Lewis, on page 2, section 1, there is a proviso on the church exemption that says that the loan or rental of property otherwise exempt under this paragraph to a nonprofit organization, association or corporation or a school for use for an eleemosynary activity shall not nullify the exemption. I believe this amendment was one that you proposed in the committee. My question is, does the phrase, 'an eleemosynary activity' include such activities as the loan or rental of the property to a nonprofit preschool?"

Senator Lewis (Harry): "Yes."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Donohue yield to a question? Senator Donohue, on page 2, section 2, and on line 27 and line 31, the word 'religious' has been struck. Also, on page 2, section 2, line 27, the word 'nonsectarian' has been substituted to qualify the word 'purposes.' Am I to take it then, that the intent of this portion of section 2, is to include the use of property by Masonry, the Elks, Eagles, Moose, etc., for the stated reasons, a qualification for property tax exemption? And, further, is it the desire to entirely remove the general requirement of 'religious' from overall intent of this portion of section 2?"

Senator Donohue: "The answer, Senator, is yes."

Senator Lewis (Harry): "I think the answer is a little more detailed than that, if you would care to comment."

Senator Donohue: "All right, Senator. I was trying to expedite.

"It is not the intent of this language to include the fraternal groups which you mention above, or any such fraternal group. It is the intent to maintain the historical context of this exemption as it was first established by the Legislature in the Laws of 1901 and further modified by the Laws of 1915. Websters' Third New International Dictionary, Unabridged defines the word 'nonsectarian' as: 'not having a sectarian character; not restricted or dominated by a particular religious group.' This is the same distinction as given by the Court in *463 P 2nd 626 and 77 Wash 2nd 487*: 'A bible camp of a church at which a particular set of religious beliefs are taught is 'sectarian' and not 'nonsectarian' under the statute exempting from taxation property of 'nonsectarian' religious organizations.' It is in this context that the word 'nonsectarian' is used and intended. It is felt that 'religious' is contained within the definition of 'nonsectarian', and the removal of the word 'religious' was to state more briefly and concisely the historical context.

"Finally, the use of the property is given beginning on page 2, line 28: 'solely used, or to the extent used, for character-building, benevolent, protective or rehabilitative social

services directed at persons of all ages';. These are the primary uses and the word 'fraternal' is not among them. Nor, do the groups of organizations named or generally included in the question qualify within the scope of this exemption classification."

Senator Lewis (Harry): "Senator Donohue, thank you. That was very clear, concise and well read."

POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Donohue yield to a question? Senator Donohue, I heard the script and I think that it was clear but I am not so sure, but I just wanted to make sure that by those words in there you have indicated that those benevolent organizations such as the Elks and Eagles are not now exempt and they will not be exempt under this bill."

Senator Donohue: "That is correct."

Senator Fleming: "Thank you."

POINT OF INQUIRY

Senator Woodall: "I would like to ask one further question of one of the authors of the bill. I understand that there has been a line of reasoning that if a church owns a parking lot and that if six days out of the seven they compete with other parking lots that they have been assessed at six-sevenths of the total value. We do not assess them for the day that they park their cars there to attend church. Now what does this particular law do to that particular situation? Will they still be taxed on the six-seventh ratio if, in fact, six days out of the week they are in open competition with another parking lot? Will they pay anything or won't they?"

Senator Lewis (Harry): "The answer is yes."

Senator Donohue: "It is prorated."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2959, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senators Grant, Stortini—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE HOUSE

September 14, 1973.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 458, and passed the bill as amended by the Senate, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 14, 1973.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 2956, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 14, 1973.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 190, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

September 14, 1973.

Mr. President: The Speaker has signed HOUSE BILL NO. 190, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 190.

MOTION

At 10:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:00 a.m., Saturday, September 15, 1973.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, September 15, 1973.

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 Gardner, Grant, Greive, Rasmussen, Talley, Twigg and Walgren. On motion of Senator Bottiger, Senator Gardner was excused. There being no objection, Senator Twigg was excused.

The Color Guard, consisting of Pages Denny Cook and Sandy Adams, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"FATHER OF LOVE, FOUNT OF ALL WISDOM, GIVER OF EVERY GOOD AND PERFECT GIFT, SEND OUT YOUR LIGHT AND YOUR TRUTH TO BLESS AND DIRECT THE MEMBERS OF THIS LEGISLATIVE BODY THIS DAY. FROM YOUR GREAT STORE OF STRENGTH GIVE THEM POWER AND PATIENCE, AFFECTION AND UNDERSTANDING, COURAGE AND LOVE TOWARD YOU, TOWARD ONE ANOTHER AND TOWARD THE TASK FOR WHICH THEY HAVE ASSEMBLED. BE IN THEIR HEARTS AND IN THEIR UNDERSTANDING. BE IN THEIR MINDS AND IN THEIR THINKING. BE IN THEIR LIPS AND IN THEIR SPEAKING. BE IN THEIR WILLS AND IN THEIR DOING. ENABLE THEM TO WORK THIS DAY IN SUCH A WAY THAT WHEN EVENING COMES OR THIS SESSION ENDS, THEY MAY HEAR YOU SAY, 'WELL DONE, GOOD AND FAITHFUL SERVANTS'. THIS WE PRAY IN THE NAME OF HIM WHO CAME NOT TO BE SERVED BUT TO SERVE, EVEN JESUS CHRIST, OUR LORD. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

September 14, 1973.

SENATE BILL NO. 2972, authorizing tax exemptions and rental support for elderly, poor, and infirm persons (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Gardner, Grant, Marsh, Sandison, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

September 14, 1973.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 2516, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2993, by Senator Walgren:

An Act relating to crimes and punishments; adding a new section to chapter 9.91 RCW; defining crimes; and establishing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2994, by Senator Bailey:

An Act relating to the solicitation of funds for charity; adding new sections to chapter 13, Laws of 1973 1st ex. sess.; providing penalties; and prescribing effective dates.

Referred to Committee on Constitution and Elections.

SENATE JOINT MEMORIAL NO. 130, by Senator Metcalf:

Requesting Congress and the secretary of agriculture to take action concerning high food prices.

Referred to Committee on Agriculture.

MESSAGE FROM THE HOUSE

September 14, 1973.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2300 with the following amendments:

On page 1, section 1, line 7, after "choose," insert "by local superior court rules."

On page 1, section 1, line 20, after "to be" strike "randomly selected" and insert "selected by an unrestricted random sample".

On page 2, section 1, line 2, after "to be" strike "randomly selected" and insert "selected by an unrestricted random sample".

On page 2, section 2, line 24, after "selected" strike all material down to and including "method" on line 25, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Clarke, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2300.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2300, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 6; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Washington, Whetzel, Woodall, Woody—40.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Grant, Greive, Keefe, Rasmussen, Talley, Walgren—6.

Excused: Senators Gardner, Twigg—2.

ENGROSSED SENATE BILL NO. 2300, 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

September 14, 1973.

Mr. President: The House has passed SENATE BILL NO. 2642 with the following amendments:

On page 1, section 1, line 7, after "purchase," and before "or condemnation" insert "lease,".

On page 1, section 1, line 13, after "section." insert "The state highway commission shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless such facility has been approved by the state highway commission in advance of its acquisition or construction.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Senate Bill No. 2642.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2642, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Guess, Henry, Herr, Jolly, Jones, Knoblauch Lewis (Bob), Lux, Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Wanamaker, Washington, Whetzel, Woodall, Woody—41.

Absent or not voting: Senators Grant, Greive, Keefe, Lewis (Harry), Matson, Mattingly, Walgren—7.

Excused: Senator Gardner—1.

SENATE BILL NO. 2642, 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

September 14, 1973.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2387 with the following amendments:

In line 4 of the title after "41.40.080;" and before "and" insert "amending section 43.43.270, chapter 8, Laws of 1965 as last amended by section 4, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.270; repealing section 43.43.270, chapter 8, Laws of 1965, section 1, chapter 12, Laws of 1969, section 1, chapter . . . , Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112); repealing section 2, chapter . . . , Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112);"

On page 3 add two new sections as follows:

"Sec. 3. Section 43.43.270, chapter 8, Laws of 1965 as last amended by section 4, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.270 are each amended to read as follows:

(1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

(2) If a member should die while in service his lawful spouse shall be paid an annuity

which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement his lawful spouse shall be paid an annuity which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing his retirement allowance, whichever is less. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

(4) *If a member should lose or has lost his life in the line of duty while employed by the Washington state patrol, his surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall hereafter be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member: PROVIDED, That if a beneficiary under this section shall reach the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of said term.*

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him.

NEW SECTION, Sec. 4. The following acts or parts thereof are hereby repealed:

(1) Section 43.43.270, chapter 8, Laws of 1965, section 1, chapter 12, Laws of 1969, section 1, chapter . . ., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112); and

(2) Section 2, chapter . . ., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112) and the same (Engrossed Senate Bill No. 2112) shall be null and void and superseded by the provisions of this act (Substitute Senate Bill No. 2387) upon the effective date of this 1973 amendatory act."

Renumber the remaining section consecutively, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Substitute Senate Bill No. 2387.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2387, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob); Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Greive, Lewis (Harry), Lux, Walgren—4.

Excused: Senator Gardner—1.

SUBSTITUTE SENATE BILL NO. 2387, 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

September 12, 1973.

Mr. President: The House has passed SENATE BILL NO. 2942 with the following amendments:

In line 2 of the title, after "69.50.101" insert "; amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 5, chapter 49, Laws of 1970 1st ex. sess. and RCW 46.61.520;"

On page 5, after section 1, add a new section as follows:

"Sec. 2. Section 46.56.040, chapter 12, Laws of 1961 as last amended by section 5, chapter 49, Laws of 1970 1st ex. sess. and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs as defined in chapter [69.33 RCW or dangerous drugs as defined in chapter 69.40 RCW] *69.50 RCW, Uniform Controlled Substances Act*, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment."

Renumber the remaining section consecutively.

On page 5, after section 2 add a new section as follows:

"*NEW SECTION.* Sec. 3. If any of the provisions of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the amendatory act, or the application of the provision to other persons or circumstances, or the act prior to its amendment is not affected."

Renumber the remaining section consecutively, and the same herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Day moved that the Senate concur in the House amendments to Senate Bill No. 2942.

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Atwood yield? Senator Atwood, is it your legal opinion then that we should strip this from the bill?"

Senator Atwood: "I think in the essence of safety it probably should be done. It is just not good practice to do this because that is a negligent homicide statute. It is an important criminal statute. The change should be made in the negligent homicide statute to conform to the Uniform Controlled Substances Act but it is an entirely different section and I am afraid that Senator Woodall will raise this point on his first defense and his client gets off."

There being no objection, the motion by Senator Day was withdrawn.

MOTION

On motion of Senator Day the Senate concurred in the House amendment to Senate Bill No. 2942 on page 5, adding a new section 3, and asks the House to recede from its amendments to line 2 of the title and to page 5, adding a new section 2.

MESSAGE FROM THE HOUSE

September 14, 1973.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2947 with the following amendments:

On page 1, line 9 of the title, after "RCW (. . .);" strike all material down to and including "RCW (. . .);" on line 10.

On page 1, line 13 of the title, after "RCW (. . .)" insert a period and strike the remainder of the title.

On page 4, beginning on line 14, strike all of section 6 and renumber the following sections consecutively., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Francis moved that the Senate concur in the House amendments to Engrossed Senate Bill No. 2947.

Debate ensued.

POINT OF INQUIRY

Senator Atwood: "Would Senator Francis yield? The effect of this amendment is to strike what we had in there where they could bring the recommitment petition in either of two jurisdictions. Now it can only be brought in one. Is that about the effect of what they have done?"

Senator Francis: "Basically, if you are referring by jurisdiction to the county, it is really a venue matter, not jurisdictional."

The motion by Senator Francis carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2947.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2947, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Mattingly, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Bailey, Greive, Matson, Talley—4.

Excused: Senator Gardner—1.

ENGROSSED SENATE BILL NO. 2947, 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

September 14, 1973.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2377 with the following amendments:

In line 3 of the title, after "29.13.010;" and before "amending" insert "amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070;"

On page 2 following section 1 insert a new section 2 to read as follows:

"Sec. 2. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy happens in the representation of this state in the senate of the United States the governor shall make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election. *Such temporary appointment shall be from a list of three names submitted to the governor by the state central committee of the same political party as the senator holding office prior to the vacancy. A vacancy occurring after the first day for filing specified in RCW 29.18.030 and prior to the general state election shall be filled by election at the next ensuing general state election.*"

Renumber the remaining sections consecutively.

On page 3, section 2, renumbered section 3, line 1, after "election." insert the following:

"If the vacancy occurs between or on a date six months prior to a general state election and the second Friday following the close of the filing period, the special primary and special general elections shall be held in concert with the regular primary and regular general elections. If the vacancy occurs on or after the first day for filing specified in RCW 29.18.030 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the secretary of state and notice thereof given by notifying all media including press, radio and television within the congressional district concerned to the end that, insofar as possible all interested persons will be aware of such filing period: PROVIDED, HOWEVER, that the last day of such filing period shall be no later than the third Tuesday prior to the primary election concerned. Such declarations of candidacy validly filed within said three day period shall appear on the approaching primary ballot as if made during the earlier filing period. If the vacancy should occur later than the second Friday following the close of the filing period, a special primary and special general election to fill such vacancy shall be held after the regular annual general election but, in any event, no later than the ninetieth day following the said November election."

On page 3, section 3, renumbered section 4, line 12, after "thereat" strike everything down to the period on line 19., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Grant moved that the Senate concur in the House amendments to Substitute Senate Bill No. 2377.

POINT OF ORDER

Senator Whetzel: "Mr. President, I raise the point of order that the House amendment to section 2 providing for the filling of the vacancy in the office of United States Senator is beyond the scope and object of the bill. The bill relates to the applying congressional elections to the annual general election law and this deals with a method of appointment of filling of temporary vacancies and does enlarge the scope and object of the Senate bill."

MOTION

On motion of Senator Lewis (Harry), the House message on Substitute Senate Bill No. 2377, together with the motion by Senator Grant to concur in the House amendments and the point of order by Senator Whetzel, was ordered held pending a Ruling by the President.

MESSAGE FROM THE HOUSE

September 14, 1973.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED

HOUSE BILL NO. 1075, except the following amendment:

On page 2, section 4, line 28 after "submitted" strike "for review and comment to" and insert "and not become effective until approved by" and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate receded from the Senate amendment on page 2, section 4, line 28 to Engrossed House Bill No. 1075.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1075, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senator Greive—1.

Excused: Senator Gardner—1.

ENGROSSED HOUSE BILL NO. 1075, as amended by the Senate, having received the 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

September 14, 1973.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 189 on page 4, beginning on line 17, striking all of sections 5, 6, 7 and 8, and refuses to concur in the following amendments:

In line 3 of the title, after "24A.41.130;" strike everything down to and including "(. . .);" on line 4.

Beginning on line 8 of the title, strike all material down to and including "70.35.070;" on line 16.

On page 2, section 1, line 29, beginning with "*Notwithstanding*" on line 29, strike all the matter down to and including "*years.*" on page 3, line 1.

On page 3, line 2, strike all of section 2 and renumber the remaining sections consecutively.

On page 4, section 3, line 5, after "*after*" and before the period strike "*January 1, 1975*" and insert "*July 1, 1974*".

On page 8, section 9, line 7, after "one—" and before "cents" strike "[half] quarter" and insert "half" and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Odegaard moved that the Senate recede from its position on the following amendments to Engrossed House Bill No. 189: In line 1 of the title; on page 2, section 1, line 29; on page 3, line 2; and on page 4, section 3, line 5; and adhere to its position on line 8 of the title and on page 8, section 9, line 7.

POINT OF INQUIRY

Senator Whetzel: "Senator Odegaard, what is the impact of changing the effective date back to January 1, 1975? Does that mean that the ninety-five percent support will terminate on that date?"

Senator Odegaard: "No, Senator Whetzel, it does not. The action, when we recede from that particular amendment, will mean that the ninety-five percent saving clause will continue on."

Senator Whetzel: "Is it the intention that this be a permanent continuance or that it end at some time? I thought the Senate Ways and Means Committee intended that it should end and that is why that date was selected of July 1, 1974. Is this simply terminating it but six months later, I guess is my question."

Senator Odegaard: "The action we took would have corrected the problem that the year of 1974 was inadvertently left out of House Bill 186. The action we took then would take care of the year 1974, because there is one-half of the school year, this present school year, in the year 1974. We would have left those school districts in kind of a bad situation in the funding that they had counted on in their special levy if we had not taken that action."

The motion by Senator Odegaard carried. The Senate receded from certain amendments and adhered to others on Engrossed House Bill No. 189, as amended by the Senate.

MESSAGE FROM THE HOUSE

September 14, 1973.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 221 on section 1, line 9, after "the" and before "value" insert "face" and section 1, line 13, after "the" and before "value" insert "face", and refuses to concur in the following amendments:

In section 1, line 11, after "a" strike all the matter down to and including "both," on line 12 and insert "gross misdemeanor"

In section 1, line 14, after "a" strike all the matter down to and including the period on line 16 and insert "misdemeanor." and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate refused to recede from the Senate amendments to section 1, lines 11 and 14 and insists on its position on Substitute House Bill No. 221, as amended by the Senate.

MOTION

At 10:00 a.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 11:30 a.m.

MESSAGE FROM THE HOUSE

September 13, 1973.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2102, with the following amendments:

On page 1, line 27 of the title, after "adding" strike "a new section" and insert "new sections".

On page 10, section 4, beginning on line 13, after "drugs." strike all material down to and including the period after "animals" in line 19 and insert the following: "*The term "prescription drugs" shall include any medicine, drug, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans or animals ordered by the written direction of a dentist, physician,*

veterinarian or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order."

On page 11, section 4, lines 8 and 9, after "sugar products" strike "excluding candy and confectionery".

On page 11, section 4, line 10, after "products" strike "excluding candy and confectionery".

On page 11, section 4, in line 16 after "except" and before "spiritous" strike "bottled water,"

On page 17, section 5, beginning on line 21, after "drugs." strike all material down to and including the period after "animals" on line 27 and insert: "*The term "prescription drugs" shall include any medicine, drug, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans or animals ordered by the written direction of a dentist, physician, veterinarian or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order."*

On page 18, lines 16 and 17, after "sugar products" strike "excluding candy and confectionery".

On page 18, line 18, after "products" strike "excluding candy and confectionery".

On page 18, section 5, line 24 after "except" strike "bottled water,"

On page 19, section 6, line 29, after "mean" strike all material down to and including "is also" on line 31.

On page 25, section 7, after line 30 insert the following:

"(j) Deduct charitable contributions to the extent allowable as an itemized deduction for federal income tax purposes pursuant to the provisions of section 170 of the Internal Revenue Code."

On page 28, section 8, line 26, insert a new subsection (h) following subsection (g) to read as follows:

"(h) Deduct one hundred percent of dividend income to the extent such income constitutes "qualifying dividends" as defined in section 243 (b) (1) of the Internal Revenue Code and eighty-five percent of other dividend income: PROVIDED HOWEVER, That the deduction provided herein shall be allowed only to the extent that the income of the payor corporation from which the dividend is paid has been included in taxable income and has been subject to the tax imposed by this title."

Renumber the remaining subsections consecutively and change all internal references accordingly.

On page 34, section 12, line 14, after "the" strike "highest" and insert "applicable".

On page 34, section 12, line 20 after "income" strike "or losses" and insert "[or losses]".

On page 40, section 17, after line 18 insert a new subsection (3) to read as follows: "*(3) Except as hereinafter provided the tax imposed by this title shall not apply to foreign or alien insurers subject to the premium tax, to the extent imposed by RCW 48.14.020, holding valid certificates of authority issued by the insurance commissioner of this state: PROVIDED, That the provisions of this subsection shall not exempt any person engaging in the business of representing any insurer, whether as general or local agent, or acting as broker for one or more insurers."*

Renumber the remaining subsections consecutively.

On page 45, section 24, line 2 after "Sections" strike "20 and 21" and insert "22 and 23".

On page 45, section 25, line 10, at the beginning of the line, strike "20" and insert "22".

On page 45, immediately following section 25, add a new section as follows:

"NEW SECTION. Sec. 26. There is added to chapter 141, Laws of 1973 1st ex. sess. and to chapter (.) RCW a new section as follows:

Any resident individual tenant who rents a dwelling unit located in this state, upon which property taxes are levied, shall be allowed a credit against the tax imposed by this Title of twenty dollars for the calendar year 1974; fifteen dollars for the calendar year 1975; ten dollars for the calendar year 1976; and five dollars for the calendar year 1977:

PROVIDED, That in the event that insufficient tax liability is incurred to fully utilize the tax credit provided herein there shall be a refund issued in the amount of the differential between the amount of credit actually used and the amount provided for.

In the event a dwelling unit is not rented by the tenant taxpayer for a full calendar year the credit shall be that percentage of the applicable credit that the period of time it is occupied by the tenant taxpayer as a dwelling unit bears to a full calendar year.

In the event a dwelling unit is rented by more than one tenant taxpayer the tax credit shall be that percentage of the applicable credit that the rental payment by the tenant taxpayer bears to the total rental for the dwelling unit.

The term "dwelling unit" means the tenant taxpayer's principal place of abode during the period of time for which he claims a credit and which contains facilities for sleeping and preparation of meals."

Renumber the remaining sections consecutively., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

Senator Durkan moved that the Senate concur in the House amendment to page 45, immediately following section 25, adding a new section to Engrossed Substitute Senate Bill No. 2102.

Senator Lewis (Harry) moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2102.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Clarke: "If I understand the motion correctly, the motion to concur; normally if that motion loses, that is automatically a finding that the body do not concur. Would the Chair rule, however, that if this motion loses then it would be proper to, as stated, deliberate each separate exemption item by item?"

REPLY BY THE PRESIDENT

The President: "Inasmuch as the Senate's business is being conducted in the manner which prevails, if the motion fails the President believes that the situation could be resolved by unanimity of opinion among a majority of the members."

Senator Newschwander demanded a roll call and the demand was sustained by Senators Clarke, Lewis (Harry), Metcalf, Scott, Mattingly, Grant, Bailey, Washington and Dore.

The President declared the question before the Senate to be the positive motion by Senator Lewis (Harry) that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2102.

ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2102 failed by the following vote: Yeas, 15; nays, 33; excused, 1.

Voting yea: Senators Atwood, Canfield, Clarke, Greive, Jones, Lewis (Bob), Lewis (Harry), Matson, Mattingly, Murray, Newschwander, Peterson (Ted), Sellar, Wanamaker, Whetzel—15.

Voting nay: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lux, Mardesich, Marsh, Metcalf, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Washington, Woodall, Woody—33.

Excused: Senator Gardner—1.

The motion by Senator Durkan carried and the Senate concurred in the House amendment to page 45, immediately following section 25, adding a new section.

On motion of Senator Durkan, the Senate refused to concur in the House amendment to the title on page 1, line 27.

Senator Durkan moved that the Senate do not concur in the House amendments to page 11, section 4, lines 8, 9; page 11, section 4, line 10; page 11, section 4, line 16; page 17, section 4, beginning on line 21; page 18, lines 16 and 17; page 18, line 18; and page 18, section 5, line 24.

Senator Lewis (Harry) moved that the Senate do concur in the House amendments as listed above.

Debate ensued.

POINT OF INQUIRY

Senator Herr: "Would Senator Woodall yield to a question? Senator, I do not serve on Ways and Means and I am a little confused on one issue down here in the legislature. They tell me that a doughnut is nontaxable but when you put the chocolate on it becomes candy. Now to me this is kind of strange. Why? I have been down to this legislature and I am worried about fiscal responsibility and I think, Senator Woodall, you could probably tell me why."

Senator Woodall: "I likewise do not sit on Ways and Means but I would say that when the doughnut gets a hole in it it starts to resemble the state budget. While I have the floor, Senator Lewis said, 'Who will organize to defeat this income tax?' I do not know but if you get their names and addresses I want to work with them."

Further debate ensued.

Senator Scott demanded a roll call and the demand was sustained by Senators Washington, Sellar, Metcalf, Bottiger, Jones, Lewis (Harry), Lewis (Bob), Murray and Canfield.

PARLIAMENTARY INQUIRY

Senator Durkan: "Mr. President, we have already voted down Senator Lewis's first amendment to concur. We are on only one amendment now and the motion was to concur on that amendment."

REPLY BY THE PRESIDENT

The President: "The question before the Senate is the motion by Senator Lewis that the Senate concur in the House amendments as just read. A vote aye will be to concur in those amendments. A vote no will be to not concur in those amendments."

PARLIAMENTARY INQUIRY

Senator Mardesich: "As a point of parliamentary inquiry, I would assume then that further divisions of the issues would be possible?"

REPLY BY THE PRESIDENT

The President: "If the vote is negative it means that the Senate has not concurred in the House amendments as listed."

The President declared the question before the Senate to be the positive motion by Senator Lewis (Harry) that the Senate do concur in the House amendments to pages 11, 17 and 18.

ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) to concur in certain House amendments failed by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Dore, Greive, Jones, Lewis (Bob), Lewis (Harry), Matson, Mattingly, Metcalf, Murray, Newschwander, Peterson (Ted), Sellar, Talley, Van Hollebeke, Wanamaker, Whetzel—20.

Voting nay: Senators Bailey, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lux, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Scott, Stortini, Twigg, Waigren, Washington, Woodall, Woody—28.

Excused: Senator Gardner—1.

The motion by Senator Durkan carried and the Senate refused to concur in the House amendments to pages 11, 17 and 18.

Senator Durkan moved that the Senate do not concur in the House amendments to page 25, section 27, line 3 and page 28, section 8, line 26.

POINT OF INQUIRY

Senator Canfield: "Will Senator Durkan yield? Senator, I should have asked this question in Ways and Means and I am sorry I did not, but you are speaking here to a revenue loss of thirty-three million, if I heard you correctly. Is that the correct figure?"

Senator Durkan: "That is what I am told."

Senator Canfield: "And so my question is, how much are we talking about in the total of charitable contributions? It certainly would be an amazing sum if the tax were to be thirty-three million. So I wanted to get your figure on what the total of these charitable contributions would be."

Senator Durkan: "My quick calculation, and that is all I have, if you took the highest rate that we have, that is six and one-half percent, you are probably talking between three hundred and four hundred million dollars in donations, which probably is not too far out when you consider the amount of money that is given to some of these institutions. It probably is fair. So that is about what you are talking about. One of the facts that is interesting which was brought before the committee, that the average donation when you take everything and lump it together and average it out is about thirteen thousand dollars. That is the average donation throughout the United States, and those are Internal Revenue figures from the IRS. If that helps you, Senator. So I would say we are talking about in the neighborhood of three or four hundred thousand, and yes, definitely a large chunk comes from those who have it."

Senator Canfield: "You meant maybe three or four hundred million? I could perhaps accept your figures and I have no reason to doubt them but I just wondered who gets all that money, what institutions or what groups or who in this state gets an amount of three or four hundred million dollars in donations."

Senator Durkan: "Senator, it would not surprise me one bit, knowing and being somewhat familiar with the private institutions, the amount of money that they receive. Senator Scott made a statement in Ways and Means about one college that had already received pledges of six million dollars, was it, Senator? This is just one institution. I know of others who have received tens of millions in the past several years so that does not surprise me one bit."

The motion by Senator Durkan carried and the Senate refused to concur in the House amendments to page 25, section 27, line 3 and page 28, section 8, line 26.

Senator Henry assumed the Chair.

On motion of Senator Durkan, the Senate refused to concur in the House amendment to page 10, section 4, beginning on line 13.

Senator Durkan moved that the Senate do not concur in the House amendment to page 40, section 17, after line 18 inserting a new subsection (3).

Senator Clarke moved that the Senate do concur in the House amendment to page 40, section 17, after line 18 inserting a new subsection (3).

POINT OF INQUIRY

Senator Dore: "Will Senator Clarke yield to a question? I think there is a great deal of merit to this amendment but at the hearings I think the insurance companies made the representation in the event that they were exempt on both the domestic and foreign parts under this act, that they would be agreeable to an increase in the premium tax in order to make up for the loss of revenue, and I understand this amendment is priced out at nine

million dollars. Are you in a position to make any representation in the event that the exemption is granted that the insurance companies would be willing to perhaps make up part of the difference by increase in the premium tax, say next January?"

Senator Clarke: "Senator Dore, the effect of any increase in the premium tax on an across the board basis would have exactly the same retaliatory effect."

Senator Dore: "No, just on the premium tax on the domestic companies, not the foreign companies."

Senator Clarke: "I think that that is something, certainly, Senator, that could be looked into. However, I think that if that were done it would be unfair then to subject the domestic companies both to the income tax and the premium tax. Now I think that if what you were talking about is a method of adjusting the premium tax and completely eliminating the income tax for the domestic companies also, that certainly is something that would bear looking into."

Senator Dore: "I would like to join in the motion of Senator Clarke. I think it would be very foolish to not exempt them out, at least as far as the foreign corporations are going, because this increased money we are losing does not come to the state anyway and of course other states will retaliate against the local companies and then, as Senator Clarke says, they will move their home offices out of the state. So I think this is a little bit different from the other exemptions. I think it is a question of good sense and I would very whole-heartedly join in this and I can see why they would not perhaps agree to a raise in the premium tax because under the old situation they were going to be exempt out, but if the domestic companies are going to be left in, then of course it probably would be unfair to increase the premium tax. I see, in answer to my question, that that, of course, would be unfair too. So I think as is, the amendment is a valid compromise, has a very rational basis behind it and I hope we all support it."

Senator Dore demanded a roll call and the demand was sustained by Senators Herr, Sandison, Washington, Canfield, Metcalf, Jones, Lewis (Harry), Lewis (Bob) and Connor.

The President Pro Tempore Henry declared the question before the Senate to be the positive motion by Senator Clarke that the Senate concur in the House amendment to page 40, section 17, after line 18 inserting a new subsection (3).

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke carried and the Senate concurred in the House amendment to page 40, section 17, after line 18 inserting a new subsection (3) by the following vote: Yeas, 28; nays, 19; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Dore, Greive, Guess, Jones, Keefe, Lewis (Bob), Lewis (Harry), Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Peterson (Ted), Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, Wanamaker, Whetzel—28.

Voting nay: Senators Bailey, Donohue, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Knoblauch, Lux, Mardesich, Odegaard, Peterson (Lowell), Rasmussen, Stortini, Walgren, Washington, Woody—19.

Absent or not voting: Senator Woodall—1.

Excused: Senator Gardner—1.

President Cherberg assumed the Chair.

Senator Durkan moved that the Senate do not concur in the House amendment to page 34, section 12, line 14.

Senator Lewis (Harry) moved that the Senate do concur in the House amendment to page 34, section 12, line 14.

Debate ensued.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Murray, Dore, Whetzel, Jones, Matson, Bottiger, Bailey, Sellar and Wanamaker.

The President declared the question before the Senate to be the positive motion by Senator Lewis (Harry) that the Senate concur in the House amendment to page 34, section 12, line 14.

ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) failed and the Senate refused to concur in the House amendment to page 34, section 12, line 14, by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Francis, Greive, Herr, Jolly, Jones, Lewis (Bob), Lewis (Harry), Matson, Mattingly, Metcalf, Murray, Newschwander, Peterson (Ted), Sellar, Twigg, Wanamaker, Washington, Whetzel, Woody—23.

Voting nay: Senators Bailey, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Guess, Henry, Keefe, Knoblauch, Lux, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Woodall—25.

Excused: Senator Gardner—1.

The motion by Senator Durkan carried and the Senate refused to concur in the House amendment to page 34, section 12, line 14.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "I would just like to speak very briefly, gentlemen. What we have just done in a bill that was intended to be a graduated tax bill is we have placed the highest possible rate against the smallest businessmen in the state of Washington. I think that Senator Bottiger is correct in what he said and I think we all recognize this. This is extremely inequitable and unfair."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I think that is an inappropriate comment under personal privilege. It was debative on the subject matter."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Day moved that the Senate do now reconsider the vote by which the Senate refused to concur in the House amendment to page 34, section 12, line 14.

The motion for reconsideration carried.

Senator Day moved that the Senate do concur in the House amendment to page 34, section 12, line 14.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think that this is a very difficult bill for a lot of us to vote on because someone line Senator Lewis stands up and says we have done one thing and does not offer any proof that we have done anything like that. Somebody else gets up and says it does just the opposite. They offer no proof. Now what in the name of heaven are we supposed to vote on here? You have not given us any evidence that it does what you say it does and — well, I still have not been convinced, but I just think it is rather foolish here after one fellow gets up and levels a charge without any substantial backing of that charge and gets up and then we reconsider and then we vote again without any explanation whatsoever."

REMARKS BY SENATOR DURKAN

Senator Durkan: "What Senator Lewis says is correct. We are applying the highest single rate to those people who choose to come under the subsection (s) of the tax. But what Senator Lewis does not say is that simply when you come under subsection (s) you get certain benefits. You get certain benefits which are not available to other people who do not come under subsection (s). Now what we are also saying is if you choose to come under this section, it is a freedom of choice, partnerships, individuals, associations, if they do not want to come under this section they do not have to come under and they can stay out and take

the rate as it is. What, in effect, we are saying is that if you do choose to take the advantages of the section, then this is what the rate is going to be. Now it may be that it is too tough but at the same time the difference between what we are saying as far as the highest rate is concerned and what the House is saying, you cannot understand really what they mean by it. Are you talking about an individual under the House amendment, if he files? Are you talking about a married couple if they file? What rate is going to be applicable? It is not clear and based upon that, this is the reason why I moved to reject it, and I have not changed my position since I have heard Senator Lewis's debate nor anyone else's. It is just, as far as I am concerned, and so the body will understand, if you want the benefits of this certain section of the income tax code, if you want them, and they are benefits that are not available to other people, then you are going to be required to pay a higher rate. So you are going to have to make the tough decision. Now those who do not want the word 'highest' are simply saying that they want both the benefits and the lowest rate. That is what they are talking about and I do not think it is fair. It may be that this is not perfect but at the same time it is the best that we can come up with and I hope that the Senate will not change its position and I hope that they will vote not to concur."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I think what Senator Durkan has said is absolutely true. However, I do want to call your attention to one other facet of this thing and that would have to do in reality with the fiscal impact that we are talking about. Now quite often a businessman will have a choice as to whether he wants to act as a corporation or as a partnership. And of course the tax implications have a very substantial influence upon that choice. Now in effect, what under the federal law the subchapter (s) does is to say that you can still operate as a corporation but you pay an individual tax on your income the same as you would if you were a partnership. Now what the present bill without the amendment says is that if you do want to take advantage of the corporate structure, then you have to pay at the highest individual rate. This, of course, will result in an increased income as to those people who elect to, after evaluating the various things, take that corporate method; but I predict that this may well change a lot of the subchapter (s) people back into the partnership situation, and for that reason I do not think that the fiscal impact in reality will be there. And I also do not really see the logic of saying that people should be penalized taxwise just because they want to conduct their business in a corporate manner instead of under a partnership. Now the amount of money they would be making would be identical and I think that the amount of tax they should pay should be identical. So for that reason I suggest that you do think rather carefully when you make this vote on reconsideration."

PARLIAMENTARY INQUIRY

Senator Washington: "Are we voting on page 34, section 12, line 14?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

Senator Washington: "And that is all we are voting on?"

The President: "Yes, Senator."

POINT OF INQUIRY

Senator Woodall: "Would Senator Murray yield to a question? Senator Murray, as an accountant I would like to know what would be the difference under this amendment, a man doing business under this so-called chapter (s), suppose he makes twelve thousand dollars and someone else makes twelve thousand as an individual, could you tell me what the tax differential between the two would be approximately?"

Senator Murray: "If there is just twelve thousand dollars worth of profit and/or wages available to the one man who owns it or for division among those people that are available, I

would say that probably – assuming that the only thing they were considering was the tax impact – they would take the action, pay themselves a salary and pay the tax at their individual rates which would be lower than the six point five percent.”

Senator Woodall: “So under this then there is nothing to stop the individual from drawing a salary for himself before you determine that the business did or did not make a profit?”

Senator Murray: “That is correct. In my opinion there would be little or no fiscal impact and I am speaking in support of concurring. Let me give you a few examples of what I think happened. The prime reason for going into a subchapter (s) is to absorb losses, to absorb losses so there would be no tax on the corporation, or secondly, because two partners in effect have substantially different income tax brackets for federal purposes and therefore want to be able to handle their share of the income to their convenience as if it were a partnership. Now from a very practical standpoint, as Senator Bottiger pointed out, if you are in a corporation that is currently operating under subchapter (s) and make a substantial amount of money, then you probably would turn to the straight corporation and pay the corporate rates for federal tax purposes where the rates are much, much higher. In other words, if you have two partners who are both in the fifty percent bracket personally they will very likely turn to a straight corporation where the first twenty-five thousand dollars pays only a twenty-two percent rate. The net effect of this action, in my opinion, would not produce any more revenue for the state of Washington. I would suggest that we do concur so that the small businessman who wants to take the advantage of incorporation and who is concerned with the federal tax impact and the legal consequences of operating behind a corporate shield, would still be able to do so without having to pay the penalty and give up that benefit of doing it. But I assure you if there is a substantial tax cost to him payable in state income tax, he is going to change so that there would not be additional revenue available to the state. Now this may be a long complicated answer and it is a long complicated situation. Many variables would change it. But in my opinion we should give him that opportunity because it will have little or no fiscal impact to the state. I urge you to concur.”

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Canfield, Lewis (Bob), Whetzel, Lux, Francis, Marsh, Bailey, Knoblauch and Grant.

The President declared the question before the Senate to be the motion by Senator Day that the Senate do concur, on reconsideration, in the House amendment to page 34, section 12, line 14.

ROLL CALL

The Secretary called the roll. The motion by Senator Day failed and the Senate refused to concur in the House amendment to page 34, section 13, line 14, on reconsideration, by the following vote: Yeas, 24; nays, 24; President Cherberg voted “no”.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Day, Francis, Greive, Herr, Jones, Keefe, Lewis (Bob), Lewis (Harry), Matson, Mattingly, Metcalf, Murray, Newschwander, Peterson (Ted), Sellar, Twigg, Wanamaker, Washington, Whetzel, Woody-24.

Voting nay: Senators Bailey, Connor, Donohue, Dore, Durkan, Fleming, Grant, Guess, Henry, Jolly, Knoblauch, Lux, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Woodall, President Cherberg-25.

Excused: Senator Gardner-1.

On motion of Senator Durkan, the Senate concurred in the House amendment to page 45, section 24, line 2 and page 45, section 25, line 10.

On motion of Senator Durkan, the Senate refused to concur in the House amendment to page 34, section 12, line 20.

Senator Durkan moved that the Senate concur in the House amendment to page 19, section 6, line 29.

Debate ensued.

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Under the provisions of Article II, Section 30, I wish to disclose to the Senate that this section apparently deals very closely with timber and gravel. I happen to have a major interest in gravel property and after listening to all of the discussion I cannot figure out which way it affects, whether it will be a benefit or a detriment, but I do have a substantial interest in that type of property which was used as the example here on the floor and in the House, and for that reason I will decline to vote on this issue."

The motion by Senator Durkan carried on a rising vote and the Senate concurred in the House amendment to page 19, section 6, line 29.

MESSAGES FROM THE HOUSE

September 15, 1973.

Mr. President: The Speaker has signed HOUSE BILL NO. 1075, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 178,

HOUSE BILL NO. 458,

HOUSE BILL NO. 1126, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 178,

HOUSE BILL NO. 458,

HOUSE BILL NO. 1075,

HOUSE BILL NO. 1126.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2300,

SUBSTITUTE SENATE BILL NO. 2387,

SENATE BILL NO. 2516,

SENATE BILL NO. 2642,

SENATE BILL NO. 2947.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2603,

SENATE BILL NO. 2954,

SENATE BILL NO. 2967.

The Senate resumed consideration of the House Message on Substitute Senate Bill No. 2377, the motion by Senator Grant that the Senate do concur in the House amendments to Substitute Senate Bill No. 2377 and the point of order by Senator Whetzel raised earlier today.

Debate ensued.

RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order as raised by Senator Whetzel, finds that both the House amendment and the measure before the Senate, Senate

Bill No. 2377, pertain to the procedures to be followed in filling vacancies which arise in the Congress. The amendment therefore does not change the scope and object of the bill.

"The point of order as raised by Senator Whetzel is not well taken."

POINT OF INQUIRY

Senator Atwood: "Would Senator Grant yield?" Senator Grant, I notice with interest this pertains to the United States Senate now when it comes back from the House. Is there something that we should know about Senator Magnuson and Jackson's health at this time? Is there an emergency involved in this particular bill that our side of the aisle should be aware of?"

Senator Grant: "Senator Atwood, before it went over to the House it referred to filling of vacancies for senatorial seats. I am sure there is nothing that we have to be concerned about. Really our great concern is Representative Pritchard. We want to assure you that if he did meet an untimely death that the Governor would have an opportunity to appoint another Republican to fill that vacancy."

Senator Atwood: "I was curious about the urgency of this measure at this time. I take it they are still in good health?"

Senator Grant: "Oh yes."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "For Senator Atwood's information, Senator Jackson stands a good possibility of being President of the United States. I understand, although it has not been confirmed as yet that Dan Evans is going to switch parties and try to get to be his running mate."

POINT OF INQUIRY

Senator Atwood: "Is this going to happen tomorrow or between now and January?"

Senator Rasmussen: "It will be confirmed probably shortly after his return from Russia, if he returns."

POINT OF INQUIRY

Senator Woodall: "Would Senator Grant yield? If you get any confirmation on that rumor, please let me know."

POINT OF INQUIRY

Senator Atwood: "Now Senator Rasmussen has really raised a question. Is that why you grew your beard, so that you could take over as the Governor? Is there something in here besides senatorial . . .?"

Senator Grant: "We provided you yesterday, for your caucus, with a photograph."

Senator Atwood: "I saw that photo."

Senator Grant: "The Buffalo Party ticket. The date on that was incorrect. It should be 1976. We have not resolved the question yet as to who is going to be the presidential candidate and who will be the vice presidential candidate, but I have assured him that if my family gets free food I will take the second spot."

Senator Atwood: "Okay."

PRESIDENT'S PRIVILEGE

The President: "Senator Grant, why don't you tell Senator Atwood that any such rumor is a bare-faced lie?"

The motion of Senator Grant carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 2377.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2377, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Jolly, Keefe, Knoblauch, Lux, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Washington, Woody—28.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Bob), Lewis (Harry), Matson, Mattingly, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—19.

Absent or not voting: Senator Herr—1.

Excused: Senator Gardner—1.

SUBSTITUTE SENATE BILL NO. 2377, 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 FOR RECONSIDERATION

Having voted on the prevailing side, Senator Durkan moved that the Senate reconsider the vote by which the Senate refused to concur in the House amendments to page 25, section 7, line 30 and page 28, section 8, line 26 of Engrossed Substitute Senate Bill No. 2102, relating to limiting property tax levies.

PARLIAMENTARY INQUIRY

Senator Mardesich: "Just as a technical matter, Senator Durkan, is that what is combined in the explanation with the amendment on page 25, section 7? With charitable deductions. I think that we would have to then reconsider the action with respect to both of those and divide the question."

REPLY BY THE PRESIDENT

The President: "The President believes that Senator Mardesich's remarks are correct. Senator Durkan has moved that the Senate reconsider the vote by which the two amendments were adopted."

The motion by Senator Durkan to reconsider the votes by which the Senate refused to concur in the House amendments to page 25, section 7, line 30 and page 28, section 8, line 26 of Engrossed Substitute Senate Bill No. 2102 carried.

The question was divided.

Senator Durkan moved that the Senate concur, on reconsideration, in the House amendment to page 28, section 8, line 26 to Engrossed Substitute Senate Bill No. 2102.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Durkan yield? Could you explain a little more carefully what your purpose is, Senator?"

Senator Durkan: "I would suspect that there are many here who feel that the intercorporate dividend amendment as put on by the House should be adopted, that we should concur in it. What the Senate did now is that I named that as part of the charitable deduction section because it was together, and then the Senate voted not to concur in the House's action which carried with it the intercorporate dividend, and what I am trying to do now is to give the Senate an opportunity to vote to concur on intercorporate dividends and then I will move that we do not concur on the charitable ones and we can do that by voice vote because we have been into it already and get on with it."

Senator Atwood: "I assume that you think it might have a chance so we might as well go ahead on it. I would like to cooperate with you, Senator Durkan."

Senator Durkan: "Thank you. I am getting very nervous."

The motion by Senator Durkan carried and the Senate concurred, on reconsideration, with the House amendment to page 28, section 8, line 26.

Senator Durkan moved that the Senate again, on reconsideration, refuse to concur in the House amendment to page 25, section 7, line 30 of Engrossed Substitute Senate Bill No. 2102.

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, what this means is they allocate the income of the dividends to the various taxing districts throughout the United States as to where it comes from and what its source is. It is a situs amendment. The impact on the bill is minimal. We have no fiscal impact on it."

Senator Lewis (Harry): "I would like to agree with Senator Durkan."

The motion by Senator Durkan carried and the Senate again, on reconsideration, refused to concur in the House amendment to page 25, section 7, line 30.

The Senate concurred in the following House amendments to Engrossed Substitute Senate Bill No. 2102:

On page 19, section 6, line 29,

On page 28, section 8, line 26,

On page 40, section 17, line 18,

On page 45, section 24, line 2,

On page 45, section 25, line 10, and

On page 45, following section 25, adding new section 26.

The Senate refused to concur in the remaining House amendments to Engrossed Substitute Senate Bill No. 2102 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

September 15, 1973.

Mr. President: The House refuses to recede from its amendments to SENATE BILL NO. 2942 on line 2 of the title, and to page 5, adding a new section 2, and said bill, together with the amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Day moved that the Senate do concur in the House amendments to Senate Bill No. 2942.

Debate ensued.

MOTION

At 1:25 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:00 p.m.

The Senate resumed consideration of the House Message on Senate Bill No. 2942, the House amendments thereto and the motion by Senator Day that the Senate do concur in the House amendments.

Further debate ensued.

The motion by Senator Day carried on a rising vote.

·ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2942, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-42.

Voting nay: Senators Fleming, Francis, Grant, Greive-4.

Absent or not voting: Senators Guess, Sandison-2.

Excused: Senator Gardner-1.

SENATE BILL NO. 2942, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 487, by Committee on Commerce (originally sponsored by Representatives Johnson, Kalich and Ellis):

Changing the definitions relating to lotteries.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 487, as amended by the Senate on Friday, September 14, 1973.

Senator Bailey moved adoption of the following amendment to the committee amendment:

Amend the Committee amendment to page 13, section 4, line 5, as follows: On line 9 of the amendment strike "*first class cities, or a first class*" and insert "*any city, or any*".

Debate ensued.

REMARKS BY SENATOR BAILEY

Senator Bailey: "I want to point out I had counsel and that is the trouble I am in right now. If I had written it myself it would not have sounded like this. We want every city to have the right of local determination and that is exactly what we are doing. We did strike the non-charter code cities because of its limitations. In the law before only first class cities had this privilege. I think a small town has as much right to determine whether they want to gamble or not gamble as anything else. If it does not make sense we can hire another attorney and start all over again."

REMARKS BY SENATOR FRANCIS

Senator Francis: "I would like to speak against this amendment, not only because it is technically wrong but because, Senator Bailey, the amendment does things that I think we do not really know the practical consequences of. We have not had hearings on the amendment. I see no problem in coming back in January or before and starting to look at that. I would be willing to take it up at hearings commencing in October, but these other amendments we have had hearings on; we have looked at carefully; we know what we are doing. I just think on this one we ought to vote no. I think it is the safest thing to do. I sympathize with what Senator Bailey is trying to do and I think we ought to look at it carefully but I do not see that waiting until January for an amendment like that would hurt anything. So I would urge you to vote no, and an additional reason is that it would be an awfully difficult job to try to get in any technical shape anyway."

REMARKS BY SENATOR BAILEY

Senator Bailey: "I am not defending the perfection of the amendment but I am defending the right of a member to stand on the floor and make an amendment without

being told by a committee it has not had a hearing. If we start that practice we will not be able to make an amendment on the floor any more, and I do contend that it is the right of every city, no matter what size, to determine whether or not they want gambling or whether or not they want a portion of gambling in their community. We ask them to do the police work. Now if you do not adopt this amendment you are going to have left on it, 'any first class city or non-charter code city,' so you are leaving off the other little cities or maybe cities of the same size that are not code cities, and we are really in trouble then. I would suggest that we adopt the amendment and give every city the right of self-determination."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Senator Bailey, I was not trying to argue that as a matter of principle we always have to look at every amendment in a committee. I thought it was obvious from looking at this amendment that there are potential problems with it. The first reasons that you have given give rise to, it seems to me, counter arguments. For example, you mentioned, Senator Bailey, that the cities have to police themselves. Well, I do not know all that much about your county but in my county that is not necessarily true. Many of the cities that you are talking about in my county have an arrangement with the county sheriff or what is called the county police department in my county, and the county police have to handle that job, and the difficulty of making a decision between one boundary and another as to whether or not they are subject to county jurisdiction could be big. Maybe not. Maybe there are no problems with your amendment. But I see a lot of potential for problems. What seems like a straightforward uncomplicated amendment, I would submit, may well create some serious problems. That is all I am saying. I think that it would not hurt us to vote it down now and get at the problem at a later date."

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

Senator Woodall moved adoption of the following amendment:

On page 14, section 4 (6), line 6, after "activity" insert ": PROVIDED FURTHER, That with respect to the duly elected officers and directors of a bona fide charitable or nonprofit organization the commission shall not require any information beyond such current information as is normally required for purposes of identification;"

Debate ensued.

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

On motion of Senator Francis, Engrossed Second Substitute House Bill No. 487, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 487, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Francis, Gardner, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Woodall, Woody—37.

Voting nay: Senators Dore, Durkan, Fleming, Grant, Greive, Lux, Mardesich, Murray, Peterson (Ted), Sandison, Washington, Whetzel—12.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 487, as amended by the Senate, having received the constitutional 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 Woodall, Engrossed Second Substitute House Bill No. 487, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED HOUSE BILL NO. 1121, by Representatives Bagnariol, Morrison, Thompson, Fortson, Beck, Ceccarelli and Douthwaite (by Washington State Teachers' Retirement System request):

Making certain changes in the teachers' retirement system.

The Senate resumed consideration of Engrossed House Bill No. 1121. On Friday, September 14, 1973, Senator Durkan commenced consideration of all amendments proposed by the Senate Ways and Means Committee. On that day, Senator Durkan moved that the Senate Ways and Means Committee amendment to page 7, line 31 be withdrawn.

REPORT OF STANDING COMMITTEE

September 13, 1973.

ENGROSSED HOUSE BILL NO. 1121, relating to the Washington State Teachers' Retirement System (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 2, line 26 after "of" and before "service" strike "such".

On page 3, section 2, line 26 after "service" and before "for" insert ", whether or not elected or appointed service."

On page 5, line 1 after "retirement," and before present section 3, beginning on page 5, line 2 add a new section as follows:

"Sec. 3. Section 31, chapter 80, Laws of 1947 as last amended by section 9, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.310 are each amended to read as follows:

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments before [June 30, 1970] *January 31, 1974* [, or, if not employed on the effective date of this act, before June 30th of the fifth school year after entry into public school employment in this state]. Payments covering all types of membership service credit [may] *must* be made in a lump sum [when due, or in annual installments, with three percent interest. The first annual installment of at least twenty percent of the amount due must be paid before the date specified above, and the final payment before June 30th of the fourth school year following that in which the first payment was made] *prior to January 31, 1974: PROVIDED, That a member who had the opportunity under this section prior to July 1, 1965 to establish credit for services previously rendered and failed to do so shall be permitted to establish such credit only for previous public school service rendered in the state of Washington: PROVIDED FURTHER, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state."*

Renumber the remaining sections.

On page 7, line 15, after "beneficiary." insert a new section to read as follows:

"Sec. 5. Section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570 are each amended to read as follows:

Any retired teacher who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: *PROVIDED, That service may be rendered up to seventy-five days per school year without reduction of pension [.] : PROVIDED FURTHER, That any member holding a publicly elected office, having a fixed term to which he has been elected; who has qualified to retire pursuant to RCW 41.32.470*

and 41.32.480, RCW 41.32.540 or RCW 41.32.550, may at any time thereafter, while still in office, apply for and receive a retirement allowance, if otherwise eligible therefor, while continuing to serve as an elective official but such person shall no longer be a member of this or any other state retirement system after his retirement.

On page 7, line 31, after "act." insert another section to read as follows:

"Sec. 6. Section 5, chapter 147, Laws of 1972, 1st ex. sess. and RCW 41.32.583 are each amended to read as follows:

A publicly elected official [who] having served twelve consecutive years in a state-wide office [and who], retiring [from office] on or before [January 10,] *February 1, 1973* and who is currently a *retired* member of the Washington state teachers' retirement system, may [transfer to the Washington public employees' retirement system provided such transfer is made by February 1, 1973.] *elect to receive the increased benefits provided by chapter 189, Laws of 1973, 1st extraordinary session or by this 1973 amendatory act. Such election is to be in writing and any new benefit shall become payable on the first day of the month following the month in which the election is made.*"

Renumber the remaining sections.

On page 1, line 9 of the title, after "41.32.580;" and before "and" insert "amending section 31, chapter 80, Laws of 1947 as last amended by section 9, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.310;"

On page 1, line 9, of the title, after "41.32.580;" and before "and" insert "section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570;"

On page 1, line 9, of the title, after "41.32.580;" and before "and" insert "amending section 5, chapter 147, Laws of 1972, 1st ex. sess. and RCW 41.32.532;"

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Fleming, Gardner, Grant, Marsh, Peterson (Ted), Woody.

The motion by Senator Durkan on Friday, September 14, 1973 that the committee amendment to page 7, line 31 be withdrawn was withdrawn.

On motion of Senator Durkan, the two committee amendments to page 3, section 2, line 26 were not adopted.

On motion of Senator Durkan, the committee amendment to page 5, line 1 was adopted.

On motion of Senator Durkan, the committee amendment to page 7, line 15 inserting a new section was not adopted.

On motion of Senator Durkan, the committee amendment to page 7, line 31 was not adopted.

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

On page 2, strike all of section 2 and renumber remaining sections consecutively.

On motion of Senator Durkan, the first committee amendment to the title to page 1, line 9, after "41.32.580;" and before "and" was adopted.

On motion of Senator Durkan, the second committee amendment to the title to page 1, line 9 after "41.32.580;" was not adopted.

There being no objection, the third committee amendment to the title to page 1, line 9 was withdrawn.

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

On page 1, line 3 of the title, after "(.);" strike all the matter down to and including "(.);" on line 4.

On motion of Senator Durkan, Engrossed House Bill No. 1121, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1121, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr,

Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-49.

ENGROSSED HOUSE BILL NO. 1121, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE HOUSE

September 15, 1973.

Mr. President: The Speaker has signed:
ENGROSSED SENATE BILL NO. 2300,
SUBSTITUTE SENATE BILL NO. 2387,
REENGROSSED SENATE BILL NO. 2516,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2603,
SENATE BILL NO. 2642,
ENGROSSED SENATE BILL NO. 2947,
SENATE BILL NO. 2954,
ENGROSSED SENATE BILL NO. 2967, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 15, 1973.

Mr. President: The House has passed:
ENGROSSED SENATE BILL NO. 2494,
SENATE BILL NO. 2978,
SENATE BILL NO. 2983, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 14, 1973.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 499, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 14, 1973.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 530, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 14, 1973.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 582, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 14, 1973.

Mr. President: The House has passed REENGROSSED HOUSE BILL NO. 1047, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 14, 1973.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1128, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 13, 1973.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 979, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 189, and has passed the bill as amended by the Senate., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Woodall, Woody—47.

Voting nay: Senators Fleming, Whetzel—2.

ENGROSSED HOUSE BILL NO. 189, as amended by the Senate, having received the 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

September 15, 1973.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 221 to section 1, line 9 and to section 1, line 13; and refuses to concur in the amendments to section 1, line 11 and to section 1, line 14 and asks the Senate to recede therefrom and the bill together with the amendments thereto is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Francis moved that the Senate insist on its position on the Senate amendments to section 1, lines 11 and 14 and again ask the House to concur therewith.

POINT OF INQUIRY

Senator Woodall: "Will Senator Francis yield? What is the difference? One house wants it a felony and one wants it a gross misdemeanor? Is that the hangup?"

Senator Francis: "That is basically right. We went through it in detail but the House wants it a felony, ten years, ten thousand dollars, as I recall, for selling or purchasing either food stamps of a value of one hundred dollars or over, or of selling food or purchasing food which was bought with food stamps of value of over one hundred dollars. And we have consistently held that we did not think that it merited this, that it would actually interfere with the prosecution and the enforcement to have such high penalties. I personally take the position that I think the bill can wait three months rather than to adopt something that is that extreme."

The motion by Senator Francis carried and the Senate insists on its position on the Senate amendments to section 1, lines 11 and 14 on Substitute House Bill No. 221 and again asks the House to concur therewith.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 499, by Representatives Bagnariol and Shinpoch:
Adopting the operating budget.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 530, by Committee on Agriculture (originally sponsored by Representatives Van Dyk, Benitz, Kilbury, Amen and Bauer):
Changing the laws relating to commission merchants.
Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 582, by Representatives Martinis, Pardini, Thompson, Charnley and Kraabel:
Providing for the study and preservation of wild, scenic and recreational rivers.
Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 979, by Representative Bauer:
Relating to education.
Referred to Committee on Education.

REENGROSSED HOUSE BILL NO. 1047, by Representatives Newhouse, Haussler and Pardini:
Regulating the interest rate upon public funds held as time deposits.
Referred to Committee on Financial Institutions.

OVERRIDING OF GOVERNOR'S PARTIAL VETOES
ON SUBSTITUTE SENATE BILL NO. 2226

The Senate commenced consideration of the partial veto by Governor Daniel J. Evans on the following bill:

SUBSTITUTE SENATE BILL NO. 2226, Chapter 207, Laws of 1973, Forty-third Legislature, First Extraordinary Session.

Providing residential landlord tenant laws.

Following is a report from the Senate Judiciary Committee where Substitute Senate Bill No. 2226 had been referred following the partial veto by the Governor:

The Senate Judiciary Committee reports that Substitute Senate Bill No. 2226 do pass notwithstanding the following vetoes by the Governor:

- (1) Page 4, lines 7-8, sec. 6, subsection (1).
- (2) Page 6, lines 17-20, sec. 7, subsection (4).
- (3) Page 9, lines 29, 32, sec. 11, subsection (1) (b).
- (4) Page 15, lines 21-22, sec. 24, subsection (1).
- (5) Page 16, lines 9-13, sec. 25.
- (6) Page 19, lines 19-21, sec. 31, subsection (2) (b).

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, the Senate Judiciary Committee has recommended overriding six out of the, I believe it was fourteen vetoes of the Governor and I do not know parliamentarily how we handle that except that we do have a referral to the Senate from the Judiciary Committee and I think procedurally it would be best just to take them up in the order in which they are found in the bill as recommended by the Judiciary Committee. If that is not before the Secretary of the Senate, then I can state them one at a time."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Francis, if you take them individually you will have to have a roll call on each one individually."

Senator Francis: "Mr. President, I think that is appropriate. There are only six and

they are separate vetoes and I am not sure, I think that there would be some doubt as to our overriding the vetoes if we tried to lump them together. Accordingly, if it is in order I will move the first individual veto and then I would like to speak about that."

MOTIONS

On motion of Senator Francis, the roll will be called on each recommendation by the Senate Judiciary Committee.

Senator Francis moved that the Senate override the Governor's veto to page 4, lines 7-8, section 6, subsection (1), as recommended by the Senate Judiciary Committee.

Debate ensued.

The motion by Senator Francis carried.

President Pro Tempore Henry declared a vote "yea" will override the Governor's veto and a vote "nay" will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2226, notwithstanding the Governor's veto to page 4, lines 7-8, section 6, subsection (1) and passed the bill by the following vote: Yeas, 41; nays, 7; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Mardesich, Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Woodall, Woody—41.

Voting nay: Senators Connor, Durkan, Fleming, Grant, Jones, Lux, Whetzel—7.

Absent or not voting: Senator Murray—1.

MOTION

Senator Francis moved that the Senate override the Governor's veto to page 6, lines 17-20, section 7, subsection (4), as recommended by the Senate Judiciary Committee.

POINT OF INQUIRY

Senator Fleming: "Would Senator Francis yield to a question? Senator Francis, by the Governor vetoing this section, did he really accomplish what he intended to do, or if we override this veto, will we be returning the quick repair section? To my understanding he did not do what he intended to do by doing that and even if we did override this veto we would still have to come back in January to amend this to remedy the repair section as quickly as possible."

Senator Francis: "Senator Fleming, I disagree with — I guess my answer to your question is no. If the Governor wanted to say that availability of financing was not a proper consideration in determining whether or not a landlord could get a particular repair made within forty-eight hours or twenty-four or whatever it took he could have stricken out simply that parenthetical phrase 'including the availability of financing'. He did not do that. He struck out the whole sentence, and it does not make much sense, because up on line 4 it is already said, 'except where circumstances are beyond the landlord's control,' so that the whole thing is: 'The following time limits apply except where there are circumstances beyond his control.' Now the bottom sentence that the Governor struck out said even when the circumstances are beyond his control he has got to do it with all reasonable speed. The Governor struck out anything that says he has to do it with reasonable speed, even where there are circumstances beyond his control. So now there is no provision for getting at it where there are circumstances beyond his control. It just does not make sense to me. I think that we are certainly helping the bill and making it a better bill by overriding this veto."

The motion by Senator Francis carried.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2226, notwithstanding the Governor's veto of page 6, lines 17-20, section 7, subsection (4) and passed the bill by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-47.

Absent or not voting: Senators Durkan, Murray-2.

MOTION

Senator Francis moved that the Senate override the Governor's veto to page 9, lines 29, 32, section 11 subsection (1) (b).

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Would Senator Bottiger yield to a question? Senator Bottiger, I am wondering, now under this section where we have limited it to one month's rent, and that is the limit and if that is set and the tenant is not satisfied, what other remedy does he have, other than moving as he did before?"

Senator Bottiger: "The same one he has now, move. Excuse me, Senator Fleming. He gets the reduction in the fair rental value of the property from the time he first made his complaint until the time of this award."

Senator Fleming: "Yes, but I am asking, the award is one month's rent?"

Senator Bottiger: "Senator Fleming, you are aware, the theory of the diminution in rental value is that the time that you make your complaint that there is no hot water and the landlord does not do anything so you file your complaint and you get arbitration. You may be six months later. At that time the court or the arbitrator could say that reduced the value of the rental of that premises fifty bucks a month. Each month. You can live there until you have used up all of that plus he can order the landlord to make the repair up to a full month's rent. Now that is a substantial change in favor of the tenant but at least it is somewhat limited."

The motion by Senator Francis carried.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2226, notwithstanding the Governor's veto to page 9, lines 29, 32, section 11, subsection (1) (b) and passed the bill by the following vote: Yeas, 39; nays, 9; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Gardner, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Scott, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Woodall, Woody-39.

Voting nay: Senators Durkan, Fleming, Grant, Jones, Lewis (Bob), Lux, Sandison, Sellar, Whetzel-9.

Absent or not voting: Senator Murray-1.

MOTION

Senator Francis moved that the Senate override the Governor's veto to page 15, lines 21-22, section 24, subsection (1).

Debate ensued.

The motion by Senator Francis carried.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2226, notwithstanding the Governor's veto to page 15, lines 21-22, section 24, subsection (1) and passed the bill by the following vote: Yeas, 41; nays, 7; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Gardner, Greivé, Guess, Henry, Jolly, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Mardesich, Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Woodall, Woody—41.

Voting nay: Senators Durkan, Fleming, Grant, Jones, Lux, Washington, Whetzel—7.

Absent or not voting: Senator Murray—1.

MOTION

Senator Francis moved that the Senate override the Governor's veto to page 16, lines 9-13, section 25.

POINT OF INQUIRY

Senator Fleming: "Would Senator Francis yield to a question? Senator Francis, as a matter of fact, three or four questions. In the language 'rent or other action,' now 'other action,' do not you think, as you say you are trying to balance this thing off, is a little broad? What do we mean by other action? The tenant is protected only for complaints and using remedies under this act but the landlord is protected in making any other action. Now any other action, I just think that that is a little too broad under this act. Do not you think that we might be making it more of an imbalance than what it is with the veto?"

Senator Francis: "Senator, I do not see the words 'other action' in the part that the Governor vetoed out. I would say that if that was one of the Governor's concerns that should have been the language that he struck out."

The motion by Senator Francis carried.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2226, notwithstanding the Governor's veto to page 16, lines 9-13, section 25 and passed the bill by the following vote: Yeas, 38; nays, 10; absent or not voting 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Gardner, Grant, Guess, Henry, Jolly, Keefe, Knoblauch, Lewis (Bob), Mardesich, Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Woodall, Woody—38.

Voting nay: Senators Durkan, Fleming, Greive, Herr, Jones, Lewis (Harry), Lux, Murray, Washington, Whetzel—10.

Absent or not voting: Senator Wanamaker—1.

MOTION

Senator Francis moved that the Senate override the Governor's veto to page 19, lines 19-21, section 31, subsection (2) (b).

Debate ensued.

The motion by Senator Francis carried.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2226,

notwithstanding the Governor's veto to page 19, lines 19-21, section 31, subsection (2) (b) and passed the bill by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Gardner, Grant, Greive, Guess, Jolly, Keefe, Knoblauch, Lewis (Harry), Marsh, Mattingly, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Scott, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Woodall, Woody—33.

Voting nay: Senators Durkan, Fleming, Henry, Herr, Jones, Lewis (Bob), Lux, Mardesich, Matson, Murray, Newschwander, Sandison, Sellar, Wanamaker, Washington, Whetzel—16.

MOTION

On motion of Senator Francis, Substitute Senate Bill No. 2226, notwithstanding the Governor's veto, was ordered immediately transmitted to the House.

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

PERSONAL PRIVILEGE

Senator Lux: "Mr. President, members of the Senate, I do not know what you would call this. Possibly a point of personal privilege. But I feel very strongly that people who have the quick wit and the sharp mind and the articulate tongue do not have a license by the good Lord Almighty to take advantage of those who are not so endowed. And I had the opportunity not so long ago to visit the park here in Olympia, I guess it is kind of the Commons across from the Old Capitol Building, and I noticed a statute down there in marble and there was an inscription on it. I would like to read that to you and it made quite an impression on me.

"I would make it impossible for the covetous and the avarice to utterly impoverish the poor. The rich can take care of themselves." And this was said by a Governor, John Rankin Rogers, about the turn of the century. Now I understand this was a populous governor and probably a granger, for which I am very proud because I also belong to the whetzel. Thank you for your indulgence."

PERSONAL PRIVILEGE

Senator Fleming: "I just would like to say it is not too many times I wish on people, this body, that I hope they went through an exercise in futility, but I am hoping like heck that the House will make that possible."

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

STANDING COMMITTEE REPORT

GUBERNATORIAL APPOINTMENT

September 13, 1973.

Mrs. Evelyn Jaeger, to the position of member of the Higher Education Personnel Board appointed by the Governor on July 12, 1973 for the term ending July 1, 1979, succeeding Glen Norman reported by the Committee on Higher Education.

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Marsh, Metcalf, Scott.

MOTION

On motion of Senator Sandison, the appointment of Mrs. Evelyn Jaeger as a member of the Higher Education Personnel Board was confirmed.

APPOINTMENT OF MRS. EVELYN JAEGER

The Secretary called the roll. The appointment was confirmed by the Senate by the

following vote: Yeas, 49.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Matson, Mattingly, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody--49.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2377,
 SENATE BILL NO. 2942.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1128, by Representatives Luders, Bagnariol, Brown, Clemente, Bauer, Hoggins, Smythe and Warnke (by Superintendent of Public Instruction request):

Enacting the property tax relief and basic program of education financial equalization act of 1973.

MOTION

Senator Durkan moved that Engrossed House Bill No. 1128 be advanced to second reading.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Murray, Dore, Day, Whetzel, Stortini, Walgren, Canfield, Guess and Jones.

Debate ensued.

President Cherberg assumed the Chair.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Murray yield to a question? Senator Murray, are you on the Ways and Means Committee?"

Senator Murray: "No."

Senator Rasmussen: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Woodall: "Will Senator Durkan yield? If we vote to bring this bill out now, will that bring Mr. Dexter back?"

Senator Durkan: "No."

The President declared the question before the Senate to be the motion by Senator Durkan that Engrossed House Bill No. 1128 be advanced to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Durkan carried. Engrossed House Bill No. 1128 was advanced to second reading by the following vote: Yeas, 24; nays, 21; absent or not voting, 4.

Voting yea: Senators Bailey, Bottiger, Clarke, Fleming, Francis, Gardner, Grant, Greive, Jolly, Jones, Knoblauch, Lewis (Harry), Lux, Marsh, Mattingly, Metcalf, Murray, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel--24.

Voting nay: Senators Atwood, Canfield, Connor, Donohue, Dore, Durkan, Guess, Henry, Lewis (Bob), Mardesich, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Stortini, Talley, Twigg, Woodall, Woody--21.

Absent or not voting: Senators Day, Herr, Keefe, Matson--4.

MOTION

On motion of Senator Bottiger, Engrossed House Bill No. 1128 will be considered following the House Message on Engrossed Substitute Senate Bill No. 2102.

MESSAGE FROM THE HOUSE

September 15, 1973.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1121, and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

September 15, 1973.

Mr. President: The House has receded from the remaining House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2102, and passed the bill without the amendments, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2102, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; absent or not voting, 6.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Durkan, Fleming, Francis, Gardner, Grant, Greive, Henry, Jolly, Jones, Keefe, Knoblauch, Lux, Marsh, Metcalf, Murray, Odegaard, Peterson (Ted), Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—33.

Voting nay: Senators Donohue, Dore, Guess, Lewis (Bob), Matson, Mattingly, Newschwander, Sellar, Twigg, Woodall—10.

Absent or not voting: Senators Connor, Herr, Lewis (Harry), Mardesich, Peterson (Lowell), Rasmussen—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2102, 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

September 15, 1973.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 221, and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

September 15, 1973.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2959, with the following amendment:

On page 7, section 5, line 20 after "profit" insert the following: ", together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections: PROVIDED, That to qualify for this exemption an organization must be organized and operated exclusively for artistic, scientific, historical, literary or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision

thereof or from direct or indirect contributions from the general public", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Durkan, the Senate concurred in the House amendment to Substitute Senate Bill No. 2959.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2959, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Grant, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Bob), Lewis (Harry), Lux, Mardesich, Marsh, Mattingly, Metcalf, Murray, Newschwander, Odogaard, Peterson (Ted), Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Herr, Matson, Peterson (Lowell), Rasmussen—4.

SUBSTITUTE SENATE BILL NO. 2959, 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 Day, the following resolution was adopted:

SENATE RESOLUTION 1973-151

By Senators Day, Jones, Durkan, Walgren and Francis:

WHEREAS, The economic policy known as "Phase IV" has required that individual service stations revert to prices that were charged on January 10, 1973; and

WHEREAS, Many of the operators of said service stations are small, individual entrepreneurs who because of said guidelines established find themselves faced with a fixed amount of gallonage allocated to them by the wholesalers of gasoline and a profit margin established by the said guidelines which will result in a net loss to the average individual service station operator of one to three cents per gallon sold; and

WHEREAS, Many of the said individual service station operators will be forced to terminate the employment of many of their employees as a result of the fiscal loss occasioned by the foregoing;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Administration and Congress are hereby requested to consider amending this portion of "Phase IV Policy" insofar as the restriction of profit of retail dealers of gasoline is concerned while not equally limiting the wholesale price they are required to pay their suppliers towards the end that all segments of the industry be treated equally; and to take what other steps are necessary to facilitate and aid the position of the individual service station operators; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, to the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington.

MOTION

Senator Metcalf moved adoption of the following resolution:

SENATE RESOLUTION 1973-152

By Senators Metcalf, Whetzel and Jones:

WHEREAS, The initial environmental impact statement has shown some real environmental problems; and

WHEREAS, Alternative sites in Puget Sound have not been fully studied; and

WHEREAS, National Oceanographic and Atmospheric Administration will be a permanent facility with a continuing impact on the Puget Sound area; and

WHEREAS, We are jealous of the environmental quality and residential atmosphere of Lake Washington,

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington urges that the governmental bodies concerned take a long look at this matter and carefully consider every facet and alternative site before locating the NOAA facility at Sand Point.

MOTION

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

Insert the following as the first paragraph:

“WHEREAS, The National Oceanographic and Atmospheric Administration seeks to acquire the Sand Point facilities as a base; and”

The motion by Senator Metcalf carried and the resolution, as amended, was adopted.

MOTION

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

SENATE RESOLUTION 1973-153

By Senators Scott and Atwood:

WHEREAS, Several of Washington's state colleges have experienced substantial declines in student enrollments during recent years; and

WHEREAS, Evidence of further declines during the current biennium creates requirement for substantial reductions in institutional operating budget; and

WHEREAS, Such reductions are likely to impel reorganizations of teaching resources and retrenchments among faculty and administrative personnel; and

WHEREAS, Adjustments must be accomplished in an expeditious manner, but also with a concern for the maintenance of excellence in academic programs and with a desire for minimizing disruptive dislocations; and

WHEREAS, Academic staffing reductions necessarily raise pervasive questions concerning contractual obligations, tenure considerations, and institutional faculty and personnel policies;

NOW, THEREFORE, BE IT RESOLVED, That the Council on Higher Education is directed to examine the questions and issues associated with academic institution staff reductions, including contractual obligations, nonrenewal policies, and tenure; and

BE IT FURTHER RESOLVED, That in its assessment of these issues the Council give consideration to alternative proposals for achieving reductions in force reflective of commitments to tenure and to the necessity of honoring contractual obligations; and

BE IT FURTHER RESOLVED, That the Council on Higher Education is requested to report its findings and recommendations to the Washington State Senate at the next extraordinary session in 1974.

MOTION

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

SENATE RESOLUTION 1973-154

By Senators Walgren, Woody, Francis, Keefe, Twigg, Van Hollebeke and Bottiger:

WHEREAS, The Senate recognizes the inherent authority of the Supreme Court of the

State of Washington to regulate the conduct, practice and qualifications of those who appear before the courts of this state in the practice of law; and

WHEREAS, The Senate recognizes that there has been no expression by the legislature concerning the appearances before the courts of this state in criminal prosecution roles by legal interns practicing pursuant to Supreme Court Admission to Practice Rule 9.

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that during the next ensuing extraordinary session of the legislature, the Senate intends to clarify that prosecuting authorities may employ legal interns in any role authorized by statute or by court rule.

MOTION

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

SENATE RESOLUTION 1973-155

By Senators Atwood and Peterson (Lowell):

WHEREAS, Both the state civil service law (chapter 41.06 RCW) and the higher education civil service law (chapter 28B.16 RCW) require that each respective personnel board shall adopt rules and regulations providing for "layoffs when necessary and subsequent reemployment, both according to seniority"; and

WHEREAS, Under current state personnel board rules, civil service employees in a layoff status have opportunities for transfer or reemployment to vacant positions for which they are qualified in any state agency or area of the state under the jurisdiction of that system; and

WHEREAS, Under current higher education personnel board rules, civil service employees in a layoff status do not have opportunities for such transfer or reemployment to vacant positions for which they are qualified in any other institution of higher education under the jurisdiction of that system but are limited to reemployment only in the institution from which the employee is being laid off; and

WHEREAS, Civil service systems rules under either system do not presently provide opportunities for civil service employees in a layoff status in one system to transfer or be reemployed to positions for which they are qualified in the other system; and

WHEREAS, It is desirous and equitable to provide equal employment and reemployment opportunities for all civil service employees of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Higher Education Personnel Board is hereby requested to consider the adoption of rules to provide civil service employees under its jurisdiction in a layoff status the opportunity to transfer or be reemployed in a vacant position for which they are qualified in any institution of higher education within the state prior to another such institution considering any new appointments to such a vacant position: PROVIDED, That said rules governing transfer or reemployment from one institution of higher education to another shall not infringe upon the reemployment, promotion or transfer rights of any incumbent employee in any such institution; and

BE IT FURTHER RESOLVED, That the state personnel board and the higher education personnel board are hereby requested to cooperate and consider the adoption of compatible rules to provide civil service employees in a layoff status in one system the opportunity to transfer or be reemployed in a position for which they are qualified in the other system: PROVIDED, That said rules governing transfer or reemployment from positions available under one civil service system into another shall not infringe upon the reemployment, promotion or transfer rights of any incumbent employee within either system; and

BE IT FURTHER RESOLVED, That in adopting said rules the respective civil service boards are requested to consider provisions for the transference of accumulated benefits of all such employees, including, but not limited to, sick leave, vacation leave, retirement credits and length of service credits, all in accordance with existing statutes; and

BE IT FURTHER RESOLVED, That copies of this Senate Resolution, upon the passage thereof, be sent by the Secretary of the Senate to the Higher Education Personnel Board and to the State Personnel Board.

MOTION

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

SENATE RESOLUTION 1973-156

By Senators Scott and Odegaard:

WHEREAS, Legislators who are teachers are eligible for retirement benefits under the teachers' retirement system; and

WHEREAS, Nonteacher legislators and elected state officials are eligible for benefits under the public employees' retirement system; and

WHEREAS, All persons serving as elected state officials should receive the same retirement benefits for performing equal services regardless of whether or not they are teachers; and

WHEREAS, Recent legislation has attempted to equalize the retirement benefits which teacher and nonteacher legislators are eligible to receive;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Senate Ways and Means Committee shall undertake a study of the retirement benefits available to teacher and nonteacher legislators and shall devise a means by which to equalize the retirement benefits of all legislators; and

BE IT FURTHER RESOLVED, That the Senate Ways and Means Committee shall present its report and recommendations to the next ensuing extraordinary session of the legislature.

MOTION

Senator Durkan moved adoption of the following resolution:

SENATE RESOLUTION 1973-157

By Senators Durkan, Walgren, Woodall and Peterson (Ted):

WHEREAS, The construction of a multipurpose stadium in which major athletic events may be viewed by the citizens of the state of Washington is a vital concern of the legislature; and

WHEREAS, The subject of such a stadium in King County has been pursued for many years; and

WHEREAS, The Senate of the State of Washington has an obligation to foster and protect the state's proprietary interest in this important project so that the citizens of the state will obtain the maximum use and enjoyment of the stadium; and

WHEREAS, The necessary preliminary decisions which must be made before the use of the stadium becomes a reality should be the product of thorough deliberation and study;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that a select bipartisan Senate committee, composed of the President of the Senate and six members, three from the majority party and three from the minority party, to be appointed by the President, be and it is hereby created for the purpose of conducting a study of the proposed multipurpose stadium, and making recommendations to the next session of the Washington State Legislature as to what, if any, legislation is desirable to implement the beneficial use of the stadium by all of the citizens of the State of Washington and by those who visit the Evergreen State.

MOTION

Senator Whetzel moved adoption of the following amendment to the resolution:

On page 1, line 13, after "that" strike the remainder of line 13 through "conducting" on line 17 and insert "the Senate committee on local government is authorized to conduct". Debate ensued.

On motion of Senator Whetzel, the following amendment to the amendment was adopted on a rising vote:

After "government" and before "is" insert "and the ways and means committee".

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

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

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2494,
SENATE BILL NO. 2978,
SENATE BILL NO. 2983.

There being no objection, at 6:10 p.m., the Senate was declared to be at ease.
The President called the Senate to order at 6:35 p.m.

MOTION

On motion of Senator Knoblauch, Senator Stortini was excused.
There being no objection, Senator Peterson (Lowell) was excused.
There being no objection, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1128, by Representatives Luders, Bagnariol, Brown, Clemente, Bauer, Hoggins, Smythe and Warnke (by Superintendent of Public Instruction request):

Enacting the property tax relief and basic program of education financial equalization act of 1973.

The Senate commenced consideration of Engrossed House Bill No. 1128, the bill having been placed on second reading earlier today on motion of Senator Durkan.

The bill was read the second time by sections.

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

On page 6, line 9, strike “, including special excess levies” and on line 10, after “instruction” and before the colon insert “, plus special excess levies”.

Senator Woody moved adoption of the following amendment:

On page 6, after “that” on line 21, strike all the matter down to and including the period on line 27 and insert “reduces the funds of such school districts to the state average for comparable districts: PROVIDED FURTHER, That for districts below the state average for comparable districts the state superintendent shall provide by rule and regulation a five-year plan that increases the funds of such school districts to the state average for comparable districts.”

POINT OF INQUIRY

Senator Canfield: “Will Senator Woody yield? Senator, I would be interested in your explanation of just exactly what you mean by comparable districts. What do you mean by that word ‘comparable’?”

Senator Woody: “Just as fast, just in the same amount and the same dollars.”

Senator Canfield: “You are saying for comparable districts. What are comparable districts?”

Senator Woody: “If you will draw a little graph on a piece of paper in front of you and imagine that on the one hand there is a school district that presently has a figure of one thousand dollars per enrolled pupil. That is above the current nine hundred and thirty-nine dollar state average. And on the bottom end of that graph pick a figure that is underneath nine hundred and thirty-nine, say seven hundred dollars. Both of those, the seven hundred dollars will go up at twenty percent per year over a period of five years, to nine hundred and thirty-nine. The thousand dollars would go down to nine hundred and thirty-nine at the rate of the same twenty percent per year for five years.”

Senator Canfield: "I understand that but I do not understand what comparable districts are yet."

Senator Woody: "It is my understanding that that language came from some place else in the bill. If you will look on line 19, it says 'comparable districts' there too. I think it is throughout this."

Senator Canfield: "Senator, I would not say that necessarily proves that it is good."

Debate ensued.

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

Senator Dore moved adoption of the following amendment by Senators Dore and Donohue:

On page 16, following section 21, add a new section as follows:

"*NEW SECTION.* Sec. 22. The 1974 legislature, in the event SJR 37 is approved, shall amend said formula distribution to the various school districts, as provided in this act, to legislate state-wide teacher salary schedules."

POINT OF INQUIRY

Senator Guess: "Would Senator Dore yield? Senator Dore, does this mean what you say when you say that the legislature will after 1974 declare and set teachers' salaries on a state-wide basis and negate the duties and actions of school boards locally?"

Senator Dore: "Senator, you are holding it up and you are pretending like you are reading from it. That is not the way it reads. Read it as it is."

Senator Guess: "'Provided by this act to legislate a state-wide teachers' salary schedule.'"

Senator Dore: "Yes, that is the intent of the amendment."

Senator Guess: "In other words we will, by this act, declare that we are going to take away the rights of all school boards for all time?"

Senator Dore: "We will legislate, hopefully, a uniform salary because if we are going to have equal education and going to give the same number of dollars to each school district we have to somewhat bring about some equality of payment of teachers. Because if one teacher in one area gets six hundred dollars more a month than a teacher in another area, then obviously they cannot get by on the same number of dollars given in a state-wide formula."

Senator Guess: "Senator, the number of dollars does not make any difference as to the quality of the education, but the thing I want to bring out to the body here is that we are departing from the normal by far. This is the most radical piece of legislation that we have considered. We might as well abolish local school boards and run the state school system from this floor."

Senator Dore: "There may be a good argument on that but that is not my intention. It is a radical piece of legislation because for the first time we are saying that after five years at least that everybody will get the same number of dollars. If you have that then you are going to have to tie in the payment to teachers in somewhat the same basis. And right now we have the east side of Lake Washington, we have three or four legislative districts in a number of school districts where the teachers, with the same number of years of training and accreditations make substantially more than other teachers that teach the same subjects and the same background and so on, which of course cannot be continued if we are going to adopt this uniform amount of money, nine hundred and forty dollars under this first year, to the various school districts. They are going to have to come down or those others have to come up, but the others at the high level will have to be frozen there, at least until the others catch up. The way we have been doing it is everybody has been leapfrogging. They are unequal and they keep leapfrogging up at a percentage basis. Now with this, this merely says the legislature has the intention that if this passes they will look into it and come up with a scheduling. It does not say what it will be. Maybe a lot of leeway in it. Maybe the districts that have high salaries, I suppose the others now will be granted a certain number of years to make it uniform. I do not know, but it is just to direct our attention to it and telling the people that if they pass it, the legislature nonetheless will look into it. The fear I have is if we do not put it in there there will be a tendency to say, 'Well, the people have spoken, HJR 37 and we should not tamper with that area at all because in effect it

incorporated this formula today and we should not ever change it, at least for five or ten years,' which I think would be undesirable."

Senator Donohue: "Just to add to this, Senator Guess, I think probably the important issue is that if the people pass HJR 37 and if the dollars for schools are going to be considered in the legislature and not at the local level through special levies, it seems very obvious to me and to many other people that all negotiations for salaries will have to be done at the state level. Consequently, this is a move in the right direction and I think it is time that we recognized that it has to be done."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woodall yield to a question? Senator Woodall, this bill that at the present time we are amending, I was intrigued by your statement that one legislature could not bind the other one. We will be bound under this though for five years of maintaining this level for the various school districts. Is this right?"

Senator Woodall: "If the people pass it then we would be bound unless by a proper percent of the vote of both bodies they would seek to amend it, and then of course you would get into all kinds of court jangles as to whether there had been some kind of a vested right acquired or whether we were not giving full faith and credit. They could not bind us to pass another law. They might be able to bind us to keep financial commitments."

On motion of Senator Dore, the following amendment to the amendment by Senators Dore and Donohue was adopted:

On line 4 of the Dore/Donohue amendment to page 16, strike "SJR 37." and insert "HJR 37" and after "approved and before "amend" strike "shall" and insert "may".

Debate ensued.

The motion by Senator Dore carried and the amendment by Senators Dore and Donohue, as amended, was adopted.

On motion of Senator Bottiger, Engrossed House Bill No. 1128, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1128, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Bottiger, Connor, Dore, Fleming, Francis, Gardner, Grant, Greife, Henry, Jolly, Knoblauch, Lux, Marsh, Mattingly, Metcalf, Murray, Odegaard, Peterson (Ted), Scott, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woody—27.

Voting nay: Senators Atwood, Canfield, Clarke, Day, Donohue, Durkan, Guess, Jones, Keefe, Lewis (Bob), Lewis (Harry), Mardesich, Matson, Newschwander, Rasmussen, Sandison, Sellar, Twigg, Woodall—19.

Absent or not voting: Senator Herr—1.

Excused: Senators Peterson (Lowell), Stortini—2.

ENGROSSED HOUSE BILL NO. 1128, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 139, by Senators Bailey, Atwood, Mardesich and Lewis (Harry):

Relating to transmittal of bills.

MOTIONS

On motion of Senator Mardesich, Senate Concurrent Resolution No. 139 was advanced to second reading and read the second time in full.

Senator Mardesich moved that Senate Concurrent Resolution No. 139 be advanced to third reading, the second reading considered the third, and the resolution adopted.

PARLIAMENTARY INQUIRY

Senator Woodall: "In the case of a gubernatorial override, one that we sent them that they did not act on, one that they sent us which has not been read in, would that take the same course as a bill under this?"

Senator Mardesich: "Mr. President, I believe that a gubernatorial override which did not pass both Houses is dead after SINE DIE in any session."

The motion by Senator Mardesich carried. Senate Concurrent Resolution No. 139 was advanced to third reading and adopted.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2102,

SUBSTITUTE SENATE BILL NO. 2959.

PERSONAL PRIVILEGE

Senator Grant: "I would like to pay tribute to our newest Senator and maybe perhaps one of the shortest terms in history, one whom I have known for some time, Senator Lux, who is not running for election as you all know. I think you know too, in the short eight days he has been with us he has gained many friends and I would simply, as one member of the Senate, like to wish him well."

PERSONAL PRIVILEGE

Senator Lux: "Mr. President, members of the Senate, I want to take this opportunity to express my appreciation for the compassion and concern that you have had for me in this short unique mini-session. It has been a real pleasure to have served with a group like this and I want to tell those people back there in my district that though there may be a sometimes forbidding shell around some of these Senators, they have hearts of gold and souls of compassion. Thank you very much."

PERSONAL PRIVILEGE

Senator Canfield: "Mr. President, I have never seen this gentleman before but he impresses me quite well. You notice he has a gift of good speech. He is very articulate, and I think he has a very warm heart."

PERSONAL PRIVILEGE

Senator Mardesich: "Mr. President, I do not mean to be imposing upon Senator Lux or to be having him make any public pronouncements but I wonder if perhaps he might have reached some different conclusions with respect to the operation and members of this Senate than his predecessor had, he might also take that message back to the people."

There being no objection, at 7:40 p.m., the Senate was declared to be at ease.

The President called the Senate to order at 8:10 p.m.

MOTIONS

On motion of Senator Atwood, Senators Guess, Murray and Wanamaker were excused.

On motion of Senator Mardesich, Senators Henry, Herr, Keefe, Peterson (Lowell) and Talley were excused.

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

MESSAGE FROM THE HOUSE

September 14, 1973.

Mr. President: The House has passed the veto of SUBSTITUTE HOUSE BILL NO. 323 of the First Extraordinary Session of the Forty-third Legislature, notwithstanding the veto of the Governor., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTIONS

On motion of Senator Durkan, the Senate commenced consideration of the report on Substitute House Bill No. 323, notwithstanding the Governor's veto.

Senator Durkan moved the Senate do pass Substitute House Bill No. 323, notwithstanding the Governor's veto.

Debate ensued.

The President declared a vote "yea" will override the Governor's veto and a vote "nay" will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 323, notwithstanding the Governor's veto, and the bill passed the Senate by the following vote: Yeas, 33; nays, 7; excused, 9.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Gardner, Grant, Greive, Jolly, Jones, Knoblauch, Lewis (Bob), Mardesich, Marsh, Matson, Mattingly, Metcalf, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Scott, Sellar, Twigg, Van Hollebeke, Walgren, Washington, Woodall, Woody—33.

Voting nay: Senators Atwood, Fleming, Francis, Lewis (Harry), Lux, Sandison, Whetzel—7.

Excused: Senators Guess, Henry, Herr, Keefe, Murray, Peterson (Lowell), Stortini, Talley, Wanamaker—9.

SUBSTITUTE HOUSE BILL NO. 323, notwithstanding the Governor's veto, having received the constitutional two-thirds majority of those present, was declared passed.

MESSAGES FROM THE HOUSE

September 15, 1973.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 487, and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2102,

SUBSTITUTE SENATE BILL NO. 2959, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed HOUSE BILL NO. 189, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2494,

SENATE BILL NO. 2978,

SENATE BILL NO. 2983, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 487, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed HOUSE BILL NO. 1121, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 221, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2377,

SENATE BILL NO. 2942, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 189,

SECOND SUBSTITUTE HOUSE BILL NO. 487,

HOUSE BILL NO. 1121

There being no objection, at 8:40 p.m., the Senate was declared to be at ease.

The President called the Senate to order at 9:20 p.m.

MESSAGES FROM THE HOUSE

September 15, 1973.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1128, and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

September 15, 1973.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2960, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed HOUSE BILL NO. 1128, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

September 15, 1973.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 139, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 140, by Senators Bailey, Mardesich, Atwood and Lewis (Harry):

Relating to adjournment SINE DIE.

MOTIONS

On motion of Senator Bailey, Senate Concurrent Resolution No. 140 was advanced to second reading and read the second time in full.

On motion of Senator Bailey, Senate Concurrent Resolution No. 140 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

MESSAGE FROM THE HOUSE

September 15, 1973.

Mr. President: In accordance with SENATE CONCURRENT RESOLUTION NO. 139, the following bills are transmitted to the Senate:

ENGROSSED SENATE BILL NO. 2004,

SENATE BILL NO. 2043,

ENGROSSED SENATE BILL NO. 2046,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2132,

SUBSTITUTE SENATE BILL NO. 2143,

ENGROSSED SENATE BILL NO. 2229,

ENGROSSED SENATE BILL NO. 2235,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2264,

ENGROSSED SENATE BILL NO. 2366,

ENGROSSED SENATE BILL NO. 2408,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2447,

ENGROSSED SENATE BILL NO. 2488,

ENGROSSED SENATE BILL NO. 2551,

ENGROSSED SENATE BILL NO. 2572,

SECOND SUBSTITUTE SENATE BILL NO. 2583,

SENATE BILL NO. 2627,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2843,

SENATE BILL NO. 2939,

SENATE BILL NO. 2941,

ENGROSSED SENATE BILL NO. 2946,

ENGROSSED SENATE BILL NO. 2964,

SENATE JOINT MEMORIAL NO. 106,

SENATE CONCURRENT RESOLUTION NO. 138, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bailey, all bills returned to the Senate from the House in accordance with Senate Concurrent Resolution No. 139 were referred to the Senate Committee on Rules.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2960,
SENATE CONCURRENT RESOLUTION NO. 139,
SUBSTITUTE HOUSE BILL NO. 221,
HOUSE BILL NO. 1128.

MESSAGE FROM THE HOUSE

September 15, 1973.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 140, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 140.

MESSAGES FROM THE HOUSE

September 15, 1973.

Mr. President: The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 139,
SENATE CONCURRENT RESOLUTION NO. 140, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

September 15, 1973.

Mr. President: The Speaker has signed SENATE BILL NO. 2960, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

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

SENATE RESOLUTION 1973-158

By Senators Sandison, Bailey, Mardesich, Atwood and Lewis (Harry):

WHEREAS, The Second Extraordinary Session of the Forty-third Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Second Extraordinary Session and the commencement of the Third Extraordinary Session of the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to complete the work of the session, to reply to and give necessary attention to correspondence and other details arising therefrom; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute with the President, or the President Pro Tempore, the necessary vouchers upon which warrants for the foregoing expenses and expenditures shall be drawn from funds provided therefor for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is authorized and directed to have a copy of the Senate Journal of the Second Extraordinary

Session of the Forty-third Legislature, together with a suitable index therefor, prepared by the State Printer; and

BE IT FURTHER RESOLVED, That after the close of the session the Secretary of the Senate, and the President or the President Pro Tempore of the Senate be, and they hereby are authorized and directed to prepare and execute the necessary vouchers upon which warrants shall be drawn for the final payment of all expenses incurred after the adjournment of this Second Extraordinary session of the Forty-third Legislature in closing the business of such session, in providing for the interim period between the closing of such session and the convening of the next regular or special session of the legislature and in the preparation for such convening; and

BE IT FURTHER RESOLVED, That all accounts payable incurred up to and including this date, covering Senate expenditures made, or obligations incurred, which are payable out of the funds appropriated for the payment of expenses of the Second Extraordinary session of the Forty-third Legislature, and which are presented for payment after adjournment, must bear the approval of the President or President Pro Tempore of the Senate and the Secretary of the Senate.

COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee from the House comprised of Representatives Conner, Curtis and Charnley appeared before the bar of the Senate to notify the Senate that the House was about to adjourn SINE DIE.

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

MOTION

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

SENATE RESOLUTION 1973-159

By Senators Bailey, Mardesich, Atwood and Lewis (Harry):

BE IT RESOLVED, That a committee of three members of the Senate is appointed to notify the House that the Senate is ready to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1973-159, the President appointed Senators Lux, Twigg and Odegaard as a committee of three to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

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

MOTION

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

SENATE RESOLUTION 1973-160

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

BE IT RESOLVED, That the Senate bills in the Committee on Rules be referred to the Standing Committee from which they were last referred:

SB 2002	Retired persons, property tax exempt	Ways and Means
RESB 2004	Lottery, state establishment	State Government
ESB 2006	Wildlife animals, unlaw. kill	Natural Resources
SB 2017	Vets. bonus, ben., prov., rev.	State Government
SB 2043	Divorce actions, jurisdiction	Judiciary

ESB 2046	Host-guest statute, repealed	Judiciary
ESB 2095	Port dist., treas. selec.	Local Government
SSB 2120	Tech. education	Higher Education
ESSB 2132	Criminal justice, training commission	Local Government
SSB 2143	Initiatives and referendums, counties	Constitution & Elec.
SB 2221	Part-time work, unemp. comp. ben.	Labor
ESB 2229	Correct. insts., admin. procedure act	Soc. & Health Serv.
RESB 2235	Precinct committeemen, absentee voting	Constitution & Elec.
ESB 2245	Marine employ., comm., comp.	Transportation & Util.
SB 2262	Water, sewer dist., vot. req.	Local Government
ESSB 2264	Motor vehicle suspension systems	Transportation & Util.
SB 2318	Regional plan. comm.	State Government
SB 2324	Salary committee, duties	State Government
ESB 2347	Sewer district bonds	Local Government
RESB 2366	Legis. dists., certain boundaries changed	Constitution & Elec.
SB 2388	Annexation resol., final action	Local Government
SB 2401	Personal lic. plates, funds dist.	Parks & Recreation
SB 2402	Nuclear power, jt. oper.	Transportation & Util.
ESB 2408	Municipal competitive bidding	State Government
SB 2429	Absentee ballots, application	Constitution & Elec.
SB 2433	Crime victim, payment by defend.	Judiciary
ESB 2438	Univ. liq. fund, alcohol, research	Higher Education
ESSB 2447	Lotteries, valuable consid. defined	Judiciary
ESB 2456	Hwys. roads, definitions	Transportation & Util.
ESB 2488	Implied consent, guilty plea	Judiciary
SB 2492	Food, drug, cosmet., possible injury	Agriculture
ESB 2551	Motor vehicle funds, hwy. purposes	Transportation & Util.
ESB 2572	Sewer districts, systems defined	Local Government
SB 2574	EWSC, social work, master's program	Higher Education
2nd SSB 2583	Motor veh. overweight fee sched. revised	Transportation & Util.
ESB 2584	Diking dist., commis. comp.	Local Government
SB 2627	Irrig. dists., surplus electric energy	Agriculture
ESSB 2634	Building code act	Local Government
SSB 2697	Disclosure by certain pub. officials	Constitution & Elec.
SB 2731	Utilities, transportation, cert. studies	Transportation & Util.
SSB 2787	Motor veh. gross weight, maximum	Transportation & Util.
2nd SSB 2843	Cities, fed. grant-in-aid, particip.	Local Government
SB 2937	Cities, expend. funds, legal aid	Local Government
SB 2939	Smelt dealers, fishermen, commerc. lic.	Natural Resources
SB 2940	Limit commerc. salmon licenses	Natural Resources
SB 2941	Handicapped, pub. accommoda. symbol	Social & Health Serv.
ESB 2946	State tidelands, public park use	Parks & Recreation
SB 2961	Pros. attorneys, employ. leg. interns	Judiciary
SB 2962	City attorneys, employ. leg. interns	Judiciary
ESB 2964	School dists., gifts, accept. authorized	Education
SB 2972	Aged, infirm, property tax exempt.	Ways and Means
SB 2973	Crtn. chg. laws, stepchild, support	Judiciary
SB 2974	Judgment enforce, suppl. proceed., just. ct.	Judiciary
SB 2975	Imp. sales tax, Trsp. systems	Transportation & Util.
SB 2992	DSHS programs, payments, incr.	Social & Health Serv.
SJM 106	Snake River, second bridge, funding	Transportation & Util.
SSJM 107	Tacoma spur, inter. hwy. system	Transportation & Util.
SJM 130	Inflationary trends, curbing	Agriculture
SCR 138	State buildings, lighting reduction	Transportation & Util.
	Governor's Veto or Partial Veto:	
ESB 2326	State Auditor, fisc. manag. rec.	State Government

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 140, the President appointed Senators Jolly, Scott, Donohue and Grant as a committee of four from the Senate to notify the Governor that the Senate was about to adjourn SINE DIE.

MOTION

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

REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Lux, Twigg and Odegaard appointed to notify the House that the Senate was ready to adjourn SINE DIE reported that the House had been notified.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Jolly, Scott, Donohue and Grant appointed to notify the Governor that the legislature was about to adjourn SINE DIE, appeared before the bar of the Senate and reported that the committee had so notified the Governor and that the Governor was willing that the second extraordinary session of the forty-third legislature adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

On motion of Senator Mardesich, the Senate Journal of the Eighth Day, Forty-third Legislature, Second Extraordinary Session, was approved.

At 9:36 p.m., on motion of Senator Mardesich, the Senate of the Forty-third Legislature, Second Extraordinary Session, adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

GOVERNOR'S MESSAGES ON SENATE BILLS VETOED AND PARTIALLY VETOED

1973

FORTY-THIRD LEGISLATURE SECOND EXTRAORDINARY SESSION

September 25, 1973.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith without my approval as to certain items ENGROSSED SUBSTITUTE SENATE BILL NO. 2102 entitled:

"An Act relating to revenue and taxation."

Action to perfect the tax reform implementing bill which would become effective in the event House Joint Resolution No. 37 is approved by the voters in November headed the list of priority matters set forth in my Proclamation calling for the convening of the Second Extraordinary Session of the Legislature in September. The Legislature has responded with the enactment of Engrossed Substitute Senate Bill No. 2102, which makes a number of the changes and clarifications needed to make the concept of tax reform acceptable to our citizens.

The amendatory changes to RCW 82.08.030 in Section 4 of the bill are for the purpose of advancing the date on which food and prescription drugs shall be exempt from the retail sales tax. Subsection 28 purports to clarify the definition of prescription drugs, but in so doing the Legislature has also expanded the definition of prescription drugs beyond the intent of the proponents of tax reform by including in such definition animal drugs prescribed by a veterinarian licensed under RCW Chapter 18.92. The exemption of prescription drugs for our citizens is a meritorious idea which accords a degree of equity in the area of our basic human needs. No such rationale, nor any other compelling reason, exists for exempting animal drugs from the sales tax. Accordingly I have vetoed those items.

In subsection 29 of Section 4, food products to be exempt from the retail sales tax after January 1, 1974, are defined in detail but exclude from the definition candy and confectionery. Many of the ingredients of candy and confectionery qualify as food products under the definition and continue to be exempt from the sales tax in baked form and in frozen form. Yet the same ingredients when put into the form of candy and confectionery would no longer be defined as food products and would therefore be subject to the sales tax. Moreover, candy is defined as a food in the Washington Food, Drug and Cosmetic Act, RCW Chapter 69.04, and is also classified by the United States Department of Commerce as a food. The exclusion of candy and confectionery from the definition of food products is inconsistent and illogical, and accordingly I have vetoed those items excluding candy and confectionery from the definition of food products.

Similar language including animal drugs in the definition of prescription drugs and excluding candy and confectionery from the definition of food products appears in Section 5, subsections 23 and 24. Section 5 advances the exemption of prescription drugs and food products from the state use tax to January 1, 1974. For the same reason as stated above, I have vetoed those items in subsection 23 which extend the definition of prescription drug to animal drugs prescribed by a veterinarian, and those items in subsection 24 which exclude candy and confectionery from the definition of food products.

With the exceptions noted above, I have approved the remainder of Engrossed Substitute Senate Bill No. 2102.

Respectfully submitted,
DANIEL J. EVANS
Governor.

September 25, 1973.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith without my approval ENGROSSED SENATE BILL NO. 2112 entitled:

"An Act relating to the state patrol retirement system."

This bill amends RCW 43.43.270 to provide post-secondary educational benefits through the State Patrol Retirement System to the surviving children of any member of the State Patrol killed in the line of duty.

While the subject of the bill is unquestionably meritorious, the bill is unfortunately technically defective because of a drafting error that failed to take into consideration amendatory language in RCW 43.43.270 enacted in Section 4, Chapter 180, Laws of 1973, First Extraordinary Session.

The error was apparently discovered after the passage of this bill by the Senate on September 11, 1973, and the House on September 12, 1973. Thus, the identical amendatory language has been included as Section 3 in Substitute Senate Bill No. 2387 enacted on September 15, 1973, and which has been approved by me on September 22, 1973.

For the foregoing reasons, I have determined to veto Engrossed Senate Bill No. 2112.

Respectfully submitted,
DANIEL J. EVANS
Governor.

September 25, 1973.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith without my approval as to one section SUBSTITUTE SENATE BILL NO. 2377 entitled:

"An Act relating to United States congressional elections."

This bill makes various changes in the election laws relating to the holding of special elections to fill vacancies occurring in congressional offices in order to update and conform these laws to present election procedural requirements.

Under Section 2 of the bill, when a vacancy occurs in the office of United States Senator for this state, the Governor shall make a temporary appointment to fill the vacancy from a list of three names submitted by the state central committee of the same political party as the Senator holding the office prior to the vacancy. This procedure represents a very substantial departure from the tradition existing in this state since the beginning of popular elections for United States Senators. No other state in the Nation has such a provision and our state would stand alone in the procedure by which the Governor fills the vacancy in the office of United States Senator.

I believe that in the election and appointment of federal and national offices there should be some consistency nationwide and it would be inappropriate for the State of Washington to differ in its practice from the other states.

For the foregoing reasons, I have determined to veto Section 2 of the bill. With the exception of that section, the remainder of the bill is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

September 25, 1973.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith without my approval as to one item ENGROSSED SENATE BILL NO. 2494 entitled:

“An Act relating to public recreation, sports, culture and convention centers.”

This bill extends the option of levying a local 2% sales tax on charges for hotel and motel lodging to all cities and counties, and also extends the use of such tax revenue for the financing of convention center facilities.

I have always maintained that a bill should not contain an emergency clause unless a real emergency exists which would justify the consequence of removing the right of referendum from the people.

In addition, it has been brought to my attention that the bill poses a serious potential loss of revenue to the state from extending the option of levying the hotel/motel sales tax to all cities. The possibility exists, and the language of the bill does not appear to preclude this, that cities within a county levying the tax may choose to levy their own tax, thus resulting in a total tax of 4% which would be deducted from the 4.5% sales tax otherwise collected by the state. This problem should be given detailed consideration by the Legislature at its next session.

With the exception of section 8 which I have vetoed for the foregoing reasons, the remainder of Engrossed Senate Bill No. 2494 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

September 25, 1973.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith without my approval as to certain items ENGROSSED SUBSTITUTE SENATE BILL NO. 2603 entitled:

“An Act relating to state government; setting forth an economic impact act for the state of Washington.”

This act establishes the policy of the state to assist state employees whose jobs are terminated by closure of state institutions by providing relocation expenses and reimbursement for limited amounts of financial losses on sales of homes required by relocation. It further provides eligible employees not electing to relocate termination pay and early retirement benefits.

Section 2 (2) of the act defines the term “closure of a state facility”. The definition is needlessly complicated, however, by an item relating to availability of vacancies at other locations, the presumed intent of which is adequately covered in Section 3 (3). Accordingly, I have vetoed that item.

Section 4 (5) provides the conditions under which an affected employee may elect early retirement over relocation. A proviso in that subsection requires that the employee make his election within thirty days of termination. The effect of this proviso is to preclude affected employees at state institutions which were closed earlier this year, such as Northern

State Hospital, from ever exercising the election of early retirement since thirty days have already expired since they were terminated by reason of the closure of the state institution. The presumed intent of this proviso is contained in Section 5 (1)(b) which requires the employee to make his election within thirty days after the passage of this act or upon closure of the institution, whichever is later. I have therefore vetoed the proviso in Section 4 (5), commencing at page 4, line 17, and ending on line 18.

Section 4 (5)(d) is intended to prevent the situation from occurring where an employee avails himself of the early retirement benefits of the act while earning over \$6,000 a year in other employment. As written, however, the effect of this subsection is to require that those employees eligible for early retirement under the act to spend two consecutive calendar years with income of less than \$6,000 in each calendar year before receiving retirement benefits. The items referring to the two consecutive calendar years with income of less than \$6,000 in each calendar year before an eligible employee may receive retirement benefits are clearly contrary to the intent of this act to provide immediate benefits to displaced employees. Accordingly, I have determined to veto those items.

It has further come to my attention that an ambiguity may exist in the language of Section 4 (4)(c) relating to terminal pay benefits. Specifically, the proviso in that subsection on page 4, lines 3 through 7, could possibly be construed to mean that a qualifying employee is entitled to full terminal pay even if he or she may have been working at other employment during a leave of absence since the closure of the state institution. Such employee might thereby be in a position to receive full terminal pay in addition to the outside income, which is a consequence not intended by this bill. The intent of the bill is to accord terminal pay benefits to a qualified employee reduced by the amounts of unemployment compensation actually received or which would have been received had the employee been eligible for unemployment compensation.

With the exceptions noted above, I have approved the remainder of Engrossed Substitute Senate Bill No. 2603.

Respectfully submitted,
DANIEL J. EVANS
Governor.

September 26, 1973.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to certain items, ENGROSSED SUBSTITUTE SENATE BILL NO. 2956 entitled:

"An Act relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations."

The specific items I have vetoed are as follows:

1. *Insurance Commissioner*. On page 5, Section 13, I have vetoed the proviso starting on line 1 and ending on line 6.

This proviso would require the Insurance Commissioner to sign his name on informational material distributed by him in a print not larger in size than the smallest print on such material. I have vetoed this item because I believe that substantive legislation of this kind does not properly belong in an appropriations bill and should be enacted separately. I further believe that if such a standard is to be set it should be applied to all elective officials and not just one elected official. If there is indeed a problem of abuse of elective or personal authority in such a way as to gain personal recognition, the citizens of this state are quite capable of dealing with such problem at the next election.

I have chosen not to veto the amendment which reduced the Insurance Commissioner's budget by \$467,000. These funds were added by the Legislature during the First Extraordinary Session in 1973 in anticipation of passage of a no-fault insurance law. Since the law has not been enacted, the removal of these funds by the Legislature is certainly

understandable. In fairness, however, it should be pointed out that the Insurance Commissioner has initiated a voluntary no-fault insurance program which will have a fiscal impact beyond the amount of funds remaining in the Insurance Commissioner's budget. I believe that serious consideration should be given during the next session of the Legislature to provide the necessary funds to meet the additional work load of the Office of the Insurance Commissioner as a result of implementation of the voluntary no-fault plan.

2. *Department of Social and Health Services.* On page 5, beginning on line 7, I have vetoed the entire Section 14 which ends on page 16.

Section 14 contains a series of amendments resulting in a total reduction of \$12.1 million from the appropriation to the Department of Social and Health Services made by the Legislature during the First Extraordinary Session in 1973. These reductions were made presumably on the assumption by the Legislature that the federal government will provide the same funds either through the Federal Social Security Act or the food stamp and commodity program.

These budget reductions are entirely premature. We simply do not know at this time what amount of state support will be necessary for the Social Services Program and food stamp program until federal regulations governing participation in these programs are adopted later this year. I do not quarrel with either the need or the desirability of effecting such a substantial savings should federal funding be realized. I further intend to work closely with the Legislature as soon as information is available which will allow us to determine more precisely the amount of state funds which can be saved. I believe it is far more sound budgeting procedure and policy to provide assured biennial funding for such essential programs as day care, drug abuse, alcoholism, mental retardation and mental health, rather than to risk severe cutbacks in these programs if the federal funds do not materialize, in which event the Legislature would have to reappropriate the amounts reduced at its next session.

I further consider it to be bad budgetary practice to make budget cuts in a departmental appropriation while at the same time authorizing the department to overspend its reduced budget until the next session of the Legislature if federal funding does not materialize. This type of budget adjustment is the best indication that the Legislature has no knowledge at this time whether federal funding will indeed be available prior to its next session.

3. *Four-Year Colleges and Universities.* I have vetoed the entire Sections 15, 17, 18, 19 and 20, and also the proviso in Section 16, at page 18, beginning on line 25 and ending on page 19, line 5.

The items vetoed consist principally of: (1) budget reductions for Eastern, Western and Central Washington State Colleges, and (2) provisos requiring the governing board of each four-year college or university to limit advance notice for non-renewal of faculty contracts to six months.

It is expected that Eastern, Western and Central Washington State Colleges will experience an enrollment decline to a level below that for which state support was provided during the 1973-75 biennium. While budget reductions to match reduced enrollment may eventually be necessary, it is premature of the Legislature to reduce arbitrarily the budgets for these colleges based on assumed enrollment declines which may or may not prove to be accurate. Actual and accurate enrollment information at these colleges for this fall will be available within a few short weeks, at which time a more realistic base for the necessary reductions can be taken. In addition, it has been recognized in a statement made on the record for the House Journal that fiscal computations used to compute the reduction for each college were in error. These computations did not adequately recognize the full amount of the corresponding student operating fees which will be lost to the colleges as a result of the lower enrollment levels. While I am now vetoing the budget cuts made by the Legislature, it is incumbent upon the administrators of the affected colleges to seek every possible way to limit spending and take such action as may be necessary to limit contract renewals to assure that every economy is achieved while not denying enrolled students the opportunity to complete their educational programs.

The provisos which would require the governing boards of the four-year colleges and universities to limit advance notice for non-renewal of faculty contracts to six months were

adopted in a precipitous manner with little research or forethought. Moreover, adequate opportunity was not provided to representatives of the colleges and universities to comment upon the effect of the provisos.

Based upon an institution by institution review of faculty codes, handbooks and contracts, it is apparent that while there is some variation in institutional policies regarding advanced notification of termination or non-renewal, such policies are conditioned on the existence of financial exigencies. In actuality, under the existing policies at these institutions in the event of financial exigency such as would be occasioned by an abrupt and unanticipated decline in enrollment, no advance notice is provided. In short, if a faculty member were terminated with no notification whatsoever by reason of insufficient funds to operate the institution at its existing staffing level, there would be no breach of contract because the right to receive advance notice of termination or non-renewal is a right conditioned on the institution having sufficient funds to maintain its existing staffing level.

The net effect of the provisos is thus to provide a legislated six-month advance notice requirement for non-renewal of faculty contracts if a college or university experiences financial difficulties as a result of lower enrollment levels. It is ironic indeed that this right to notice currently does not exist.

I am not convinced that the Legislature intended to confer this additional benefit upon the faculty at our colleges and universities. I am convinced, however, of the need for the governing boards of the four-year state colleges and universities to adopt necessary and proper retrenchment procedures for the termination or non-renewal of faculty contracts in the event financial exigencies created by reduced enrollment or discontinuance of funded programs necessitate such action. I further believe that such operating policies and procedures are properly the delegated responsibility of the governing board of each institution and not a matter to be legislated in an appropriations bill.

With the exception of the items described above, the remainder of the bill is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

GOVERNOR'S MESSAGES ON SENATE BILLS SIGNED AFTER ADJOURNMENT

1973

FORTY-THIRD LEGISLATURE SECOND EXTRAORDINARY SESSION

Office of the Governor, September 24, 1973.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN:

I have the honor to advise that on September 22, 1973, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2136: Directing priority programming by the highway commission.

SENATE BILL NO. 2300: Permitting use of electronic data processing system in selecting juries.

SUBSTITUTE SENATE BILL NO. 2387: Implementing the law relating to public employees' retirement.

SENATE BILL NO. 2410: Allowing the operating of school buses and certain trucks under any road conditions.

SUBSTITUTE SENATE BILL NO. 2463: Implementing the laws relating to the industrial welfare of all employees.

SENATE BILL NO. 2516: Making certain changes in laws relating to dispersal of funds.

SENATE BILL NO. 2642: Providing for the acquisition of parking facilities by the state highway commission.

SENATE BILL NO. 2657: Revising appeal procedures under the shoreline management act.

SENATE BILL NO. 2659: Providing certain disability benefits for state patrol officers.

SENATE BILL NO. 2915: Reducing student population qualification for recognition of certain districts in class AA counties as separate classification of districts for certain purposes.

SENATE BILL NO. 2944: Deleting the requirement that state patrol cars be equipped with red lights.

SENATE BILL NO. 2945: Making a technical correction in the law relating to the dissolution of marriage.

SENATE BILL NO. 2947: Changing the effective date of laws relating to new commitment procedures for mentally disordered persons.

SENATE BILL NO. 2952: Authorizing the study of fish food.

SENATE BILL NO. 2954: Authorizing the state highway commission to increase the amount of funds for the operation of the Puget Island ferry.

SENATE BILL NO. 2960: Implementing law relating to state aid for use of common schools.

SENATE BILL NO. 2965: Making a supplemental appropriation to the Washington state toll bridge authority.

SENATE BILL NO. 2967: Providing for the emergency curtailment and/or allocation of electricity.

SENATE BILL NO. 2978: Establishing a program of baseline studies by the department of ecology.

SENATE BILL NO. 2983: Amending the definition of "dependent child".

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, September 27, 1973.

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

GENTLEMEN:

I have the honor to advise that on September 26, 1973, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2942: Correcting the laws defining controlled substances.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, September 27, 1973.

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

GENTLEMEN:

I have the honor to advise that on September 27, 1973, Governor Evans approved the following Senate Bill, entitled:

SUBSTITUTE SENATE BILL NO. 2959: Providing for a system of property tax exemptions.

Sincerely,
CHI-DOOH LI
Legal Counsel.

1973 SENATE ROSTER

FORTY-THIRD LEGISLATURE—SECOND EXTRAORDINARY SESSION

JOHN A. CHERBERG, President

SIDNEY R. SNYDER, Secretary

AL HENRY, President Pro Tempore

JAMES E. KEEFFE, Vice President Pro Tempore

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Atwood, R. Frank.....	42	Whatcom, part	220 Bellingham Nat'l Bk. Bldg., Bellingham 98225	46	Massachusetts	R	Attorney	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.-72 Ex.-73-73 Ex.- 2nd Ex.
Bailey, Robert C.....	19	Grays Harbor- Pacific, part	Box 146, South Bend 98586	54	Washington	D	West. Adm. Asst. for Hon. Julia Butler Hansen	S—1957-59-59 Ex.-61-61 Ex.-63- 63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex.- 72 Ex.-73-73 Ex.-2nd Ex. H—1951-51 Ex.-51 2nd Ex.- 53-53 Ex.-55-55 Ex.
Bottiger, R. Ted	2	Pierce, part- Thurston, part	8849 Pacific Ave., Tacoma 98444	40	Washington	D	Attorney	S—1973-73 Ex.-2nd Ex. H—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Canfield, Damon R.....	8	Benton- Yakima, part	1368 Upland Dr., Sunnyside 98944	75	Arkansas	R	School Teacher, Re- tired Fruit and Cattle Rancher	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1953-53 Ex.-55-55 Ex.-57-59- 59 Ex.-61-61 Ex.-63-63 Ex.- 65-65 Ex.
Clarke, George W.....	41	King, part	3835 W. Mercer Way, Mercer Island 98040	66	Iowa	R	Attorney	S—Appointed 1/8/71 1971 Ex.-72 Ex.-73-73-2nd Ex. H—1967-67 Ex.-70 Ex.
Connor, Frank T.....	33	King, part	3201 S. Massachusetts, Seattle 98144	56	Washington	D	Real Estate	S—Appointed 1/24/67 1957-59-59 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1951-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57
Day, William S.....	4	Spokane, part- Whitman, part	E. 2721 Sprague Spokane 99202	50	Illinois	D	Chiropractor	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.

Senate Roster—1973, Forty-Third Legislature—Second Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Donohue, Hubert F.....	9	Adams-Asotin-Garfield-Columbia, part-Grant, part-Whitman, part	Rt. 2, Box 13, Dayton 99328	51	Washington	D	Farmer	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Dore, Fred H.....	45	King, part	1424 Washington Bldg., Seattle 98101	47	Washington	D	Attorney	S—Appointed 3/11/59 1959 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1953-53 Ex.-55-55 Ex.-57-59
Durkan, Martin J.....	47	King, part	404 Olympic Nat'l Life Bldg., Seattle 98104	49	Montana	D	Attorney	S—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1957
Fleming, George	37	King, part	1100 Lake Wash. Blvd., So. Seattle 98144	34	Texas	D	Pacific Northwest Bell Personnel Supervisor	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1969-69 Ex.-70 Ex.
Francis, Peter D.....	32	King, part	7310 E. Green Lake Dr., N., Seattle 98115	38	Washington	D	Attorney	S—Appointed 12/1/69 1970 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1969-69 Ex.
Gardner, Booth	26	Kitsap, part Pierce, part	520 N. Stadium Way, Tacoma 98403	36	Washington	D	President, Laird Norton Company	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Grant, Gary	11	King, part	25823 132nd SE, Kent 98031	38	Wisconsin	D	Labor Union Pres.	S—1973-73 Ex.-2nd Ex. H—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Greive, R. R. Bob.....	34	King, part	4444 California Ave., S.W., Seattle 98116	53	Washington	D	Attorney	S—1947-49-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Guess, Sam C.....	6	Spokane, part	W. 408-33rd Ave., Spokane 99203	63	Mississippi	R	Civil Engineer	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.

Senate Roster—1973, Forty-Third Legislature—Second Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Henry, Al	17	Clark, part-Klickitat-Skamania	Rio Vista White Salmon 98672	61	Kansas	D	Telephone Executive	S—1957-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1941-45-51-51 Ex.-51 2nd Ex.-55-55 Ex.
Herr, Gordon	31	King, part	10617-21st S.W. Seattle 98146	45	Washington	D	Association Executive	S—Appointed 1/20/64 1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1963-63 Ex.
Jolly, Dan	16	Franklin-Walla Walla-Columbia, part	Box 185, Connell 99326	65	Washington	D	Farmer	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.
Jones, John D.	48	King, part	18 Bridlewood Circle, Kirkland 98033	49	Wales	R	Manager, Bellevue-Issaquah Pac. N.W. Bell	S—Appointed 1/8/1973 1973 Ex.-2nd Ex. H—1971-71 Ex.-72 Ex.
Keefe, James Edward...	3	Spokane, part	727 E. Sinto, Spokane 99205	64	New York	D	Sales Manager	S—1949-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Knoblauch, Reuben A....	25	King, part Pierce, part	P.O. Box 306, Sumner 98390	53	Washington	D	Right-of-Way Dept., Pierce County Engineer's Dept.	S—1953-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1947-49-50 Ex.-51-51 Ex.-51 2nd Ex.
Lewis, Harry B.	22	Thurston, part	2019 Clairemont Circle, Olympia 98502	45	Pennsylvania	R	Owner-Mgr., Wood Fabricators, Inc.	S—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1961-61 Ex.-63-63 Ex.
Lewis, R. H. "Bob"	5	Spokane, part	W. 4329 Arrowhead Rd., Spokane 99208	47	Washington	R	Vice Pres., Pub. Relations, Lincoln First Fed. Savings & Loan Assn.	S—1973-73 Ex.-2nd Ex.

APPENDIX

Senate Roster—1973, Forty-Third Legislature—Second Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Lux, Eugene V.	35	King, part	1165 Beacon Ave. So., Seattle 98178	47	Nebraska	D	Building Contractor	S—Appointed 8/27/73 1973-2nd Ex.
Mardesich, August P....	38	Snohomish, part	4712 Mermont Dr., Everett 98203	52	California	D	Attorney, Commer- cial Fisherman	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1950 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57- 59-59 Ex.-61-61 Ex.
Marsh, Daniel G.....	49	Clark, part	P.O. Box 1086, Vancouver 98660	35	Oregon	D	Attorney	S—1973-73 Ex.-2nd Ex. H—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Matson, Jim	14	Yakima, part	Rt. 2, Box 2311 Selah 98942	45	Washington	R	Fruit Grower, Shipper	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Mattingly, Michael W...	30	King, part	3818 S.W. Dash Point Rd., Federal Way 98002	29	Washington	R	Line Driver Supv.	S—Appointed 3/20/73 1973 Ex.-2nd Ex.
Metcalf, Jack	21	Snohomish, part	7421-46th W., Box 4 Mukilteo 98275	45	Washington	R	Teacher	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1961-61 Ex.-63-63 Ex.
Murray, John S.....	36	King, part	8 W. Roy St., Seattle 98119	47	Missouri	R	Publisher	S—1971-71 Ex.-72 Ex.- 73-73 Ex.-2nd Ex. H—1967-67 Ex.-69-69 Ex.- 70 Ex.
Newschwander, Charles E.	28	Pierce, part	2140 Bridgeport Way, Tacoma 98466	52	Washington	R	Dentist	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1961-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.
Odegaard, Gary M.....	20	Lewis-Wahkiakum- Cowlitz, part-Pacific, part-Thurston, part	Star Rt. 1, Box 1-A, Onalaska 98570	32	Washington	D	Teacher	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.

Senate Roster—1973, Forty-Third Legislature—Second Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Peterson, Lowell	40	San Juan-Skagit-Whatcom, part	Box 249, Concrete 98237	51	Washington	D	Oil Distributor	S—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Peterson, Ted G.	44	King, part	2345 N.W. Blue Ridge Dr., Seattle 98177	68	Washington	R	President, Peterson Supply & Equipment Co.	S—1955-55 Ex.-57-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Rasmussen, A. L.	29	Pierce, part	5415 A St., Tacoma 98408	63	Washington	D	Machinist	S—1961-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex. Appointed 10/1/71 1972 Ex.-73-73 2nd Ex. H—1945-47-49-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.
Ridder, Robert C. (Bob)	35		(Resigned July 29, 1973)					
Sandison, Gordon	24	Clallam-Jefferson-Mason-Thurston, part	P.O. Box 2025, Port Angeles 98362	52	Washington	D	Insurance Broker	S—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1949-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57
Scott, George W.	46	King, part	2530 N.E. 105th Pl., Seattle 98125	35	Washington	R	Assistant to Dean for Development (U. of W. Med. School)	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1969-69 Ex.-70 Ex.
Sellar, George L.	12	Chelan-Douglas-Grant, part-Okanogan, part	1324 Terrace Dr., East Wenatchee 98801	43	Illinois	R	Personnel Manager, Eye and Ear Clinic	S—Appointed 1/7/72 1972 Ex.-73-73 Ex.-2nd Ex.
Stortini, Joe	27	Pierce, part	1623 Firlands Dr., Tacoma 98405	40	Washington	D	Teacher	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.
Talley, Don L.	18	Clark, part-Cowlitz, part	1583 Mt. Pleasant Rd., Kelso 98626	54	Washington	D	Supervisor, Port of Longview	S—1957-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.

Senate Roster—1973, Forty-Third Legislature—Second Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Twigg, Robert W.....	7	Ferry-Lincoln-Pend Oreille-Stevens-Okanogan, part-Spokane, part	817 Northtown Bldg., Spokane 99207	47	Washington	R	Attorney, Real Estate Broker	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd ex.
Van Hollebeke, Ray ...	1	King, part-Snohomish, part	18735-63rd Ave., N.E., Seattle 98155	43	Illinois	D	Real Estate Consultant	S—1973-73 Ex.-2nd Ex.
Walgren, Gordon L.....	23	Kitsap, part	245 Fourth St. Bldg., Bremerton 98310	39	Washington	D	Attorney	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1967-67 Ex.
Wanamaker, F. "Pat" ..	10	Island-Snohomish, part	Rt. 1, Box 193A, Coupeville 98239	62	Washington	R	Retired	S—1973-73 Ex.-2nd Ex. H—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Washington, Nat W.....	13	Kittitas-Grant, part-Yakima, part	42 C St. N.W., Ephrata 98823	58	Washington	D	Attorney	S—1951-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1949-50 Ex.
Whetzel, Jonathan	43	King, part	1511 E. Olin Place, Seattle 98112	46	Pennsylvania	R	Vice Pres., KING Broadcasting Co.	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.
Woodall, Perry B.....	15	Yakima, part	P.O. Box 507, Toppenish 98948	60	Washington	R	Attorney	S—Appointed 12/26/56 1957-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—1939-41-43-47-49-50 Ex.-51-51 Ex.-51 2nd Ex.
Woody, Frank.....	39	King, part-Snohomish, part	24228-47th, Woodinville 98043	35	Montana	D	Attorney	S—1973-73 Ex.-2nd Ex.

Senate Roster—1973, Forty-Third Legislature—Second Extraordinary Session—Continued

NAME OF OFFICER	Office	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Lieutenant Governor Cherberg, John A.....	President of the Senate	Legislative Bldg., Olympia 98504	62	Florida	D	Lieutenant Governor	S—Elected 1957 1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex.- 72 Ex.-73-73 Ex.-2nd Ex.
Snyder, Sidney R.....	Secretary of the Senate	P.O. Box 531, Long Beach 98631	46	Washington	D	Owner, Operator Supermarket	S—Elected 5/12/69 1970 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex. H—Served as Asst. Chief Clerk or Acting Chief Clerk 1957 to May, 1969
Johnson, Charles L. R..	Sergeant at Arms	624 Carlyon, Olympia 98501	61	Washington	D	Merchant	S—Elected 1957-59-61-63-65-67- 69-70-71-72-73 H—House Member 1951 Served as Sergeant at Arms 1955

**STANDING COMMITTEES OF THE SENATE
FORTY-THIRD LEGISLATURE
SECOND EXTRAORDINARY SESSION**

JOHN A. CHERBERG, President
AL HENRY, President Pro Tempore
JAMES E. KEEFE, Vice President Pro Tempore
SIDNEY R. SNYDER, Secretary

AGRICULTURE (7)—JOLLY, CHAIRMAN; Day, Donohue, Matson, Sellar, Twigg, Washington.

COMMERCE (7)—GREIVE, CHAIRMAN; Francis, Herr, Lewis, R. H. "Bob", Peterson (Lowell), Wanamaker, Whetzel.

CONSTITUTION AND ELECTIONS (7)—GRANT, CHAIRMAN; Canfield, Gardner, Mattingly, Metcalf, Stortini, Washington.

ECOLOGY (7)—WASHINGTON, CHAIRMAN; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

EDUCATION (7)—GARDNER, CHAIRMAN; Bottiger, Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

FINANCIAL INSTITUTIONS (7)—DORE, CHAIRMAN; Clarke, Jones, Keefe, Mardesich, Newschwander, Walgren.

HIGHER EDUCATION (7)—SANDISON, CHAIRMAN; Donohue, Durkan, Guess, Marsh, Metcalf, Scott.

JUDICIARY (11)—FRANCIS, CHAIRMAN; WOODY, VICE CHAIRMAN; Atwood, Bottiger, Clarke, Dore, Durkan, Greive, Twigg, Van Hollebeke, Woodall.

LABOR (7)—CONNOR, CHAIRMAN; Fleming, Grant, Jones, Matson, Mattingly, Woody.

LOCAL GOVERNMENT (11)—FLEMING, CHAIRMAN; Connor, Gardner, Jolly, Lewis, R. H. "Bob", Lux, Murray, Sellar, Talley, Walgren, Whetzel.

NATURAL RESOURCES (7)—PETERSON (LOWELL), CHAIRMAN; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

PARKS AND RECREATION (7)—KNOBLAUCH, CHAIRMAN; Bailey, Canfield, Jones, Lux, Odegaard, Wanamaker.

RULES (14)—LIEUTENANT GOVERNOR CHERBERG, CHAIRMAN; Atwood, Bailey, Bottiger, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Peterson (Ted), Talley, Woodall.

SOCIAL AND HEALTH SERVICES (13)—DAY, CHAIRMAN; VAN HOLLEBEKE, VICE CHAIRMAN; Clarke, Connor, Francis, Greive, Herr, Jones, Keefe, Murray, Talley, Twigg, Woodall.

STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

TRANSPORTATION AND UTILITIES (17)—WALGREN, CHAIRMAN; HENRY, VICE CHAIRMAN; STORTINI, VICE CHAIRMAN; Bottiger, Guess, Jolly, Knoblauch, Lewis, R. H. "Bob", Lux, Matson, Mattingly, Peterson (Lowell), Rasmussen, Sellar, Wanamaker, Washington, Whetzel.

WAYS AND MEANS (19)—DURKAN, CHAIRMAN; DONOHUE, VICE CHAIRMAN; ODEGAARD, VICE CHAIRMAN; Atwood, Bailey, Canfield, Dore, Fleming, Gardner, Grant, Lewis (Harry), Mardesich, Marsh, Metcalf, Newschwander, Peterson (Ted), Sandison, Scott, Woody.

**INDIVIDUAL COMMITTEE ASSIGNMENTS OF THE SENATE
FORTY-THIRD LEGISLATURE
SECOND EXTRAORDINARY SESSION**

- ATWOOD (R. Frank)—Judiciary; Rules; Ways and Means.
 BAILEY (Robert C.)—Parks and Recreation; Rules; Ways and Means.
 BOTTIGER (R. Ted)—Education; Judiciary; Rules; Transportation and Utilities.
 CANFIELD (Damon R.)—Constitution and Elections; Parks and Recreation; Ways and Means.
 CLARKE (George W.)—Financial Institutions; Judiciary; Social and Health Services.
 CONNOR (Frank T.)—Chairman: Labor; Local Government; Social and Health Services.
 DAY (William S.)—Chairman: Social and Health Services; Agriculture; State Government.
 DONOHUE (Hubert F.)—Vice Chairman: Ways and Means; Agriculture; Ecology; Higher Education.
 DORE (Fred H.)—Chairman: Financial Institutions; Judiciary; Ways and Means.
 DURKAN (Martin J.)—Chairman: Ways and Means; Higher Education; Judiciary.
 FLEMING (George)—Chairman: Local Government; Education; Labor; Ways and Means.
 FRANCIS (Pete)—Chairman: Judiciary; Commerce; Social and Health Services.
 GARDNER (Booth)—Chairman: Education; Constitution and Elections; Local Government; Ways and Means.
 GRANT (Gary)—Chairman: Constitution and Elections; Labor; Ways and Means.
 GREIVE (R. R. Bob)—Chairman: Commerce; Judiciary; Social and Health Services.
 GUESS (Sam C.)—Ecology; Higher Education; Rules; Transportation and Utilities.
 HENRY (Al)—Vice Chairman: Transportation and Utilities; Rules; State Government.
 HERR (Gordon)—Commerce; Rules; Social and Health Services.
 JOLLY (Dan)—Chairman: Agriculture; Local Government; Transportation and Utilities.
 JONES (John D.)—Financial Institutions; Labor; Parks and Recreation; Social and Health Services.
 KEEFE (James E.)—Financial Institutions; Rules; Social and Health Services.
 KNOBLAUCH (Reuben A.)—Chairman: Parks and Recreation; State Government; Transportation and Utilities.
 LEWIS (Harry B.)—Natural Resources; Rules; State Government; Ways and Means.
 LEWIS (R. H. "Bob")—Commerce; Local Government; Transportation and Utilities.
 LUX (Eugene V.)—Parks and Recreation; Transportation and Utilities.
 MARDESICH (August P.)—Financial Institutions; Rules; Ways and Means.
 MARSH (Dan)—Higher Education; Rules; Ways and Means.
 MATSON (Jim)—Agriculture; Labor; Transportation and Utilities.
 MATTINGLY (Michael W.)—Constitution and Elections; Labor; Transportation and Utilities.
 METCALF (Jack)—Constitution and Elections; Higher Education; Natural Resources; Ways and Means.
 MURRAY (John S.)—Ecology; Education; Local Government; Social and Health Services.
 NEWSCHWANDER (Charles E.)—Education; Financial Institutions; Ways and Means.
 ODEGAARD (Gary M.)—Vice Chairman: Ways and Means; Education; Parks and Recreation.
 PETERSON (Lowell)—Chairman: Natural Resources; Commerce; Transportation and Utilities.
 PETERSON (Ted G.)—Education; Natural Resources; Rules; Ways and Means.
 RASMUSSEN (A. L.)—Chairman: State Government; Natural Resources; Transportation and Utilities.
 SANDISON (Gordon)—Chairman: Higher Education; Natural Resources; Ways and Means.
 SCOTT (George W.)—Higher Education; State Government; Ways and Means.
 SELLAR (George L.)—Agriculture; Local Government; Transportation and Utilities.

- STORTINI (Joe)**—Vice Chairman: Transportation and Utilities; Constitution and Elections; Ecology.
- TALLEY (Don L.)**—Local Government; Natural Resources; Rules; Social and Health Services.
- TWIGG (Robert W.)**—Agriculture; Judiciary; Social and Health Services.
- VAN HOLLEBEKE (Ray)**—Vice Chairman: Social and Health Services; Ecology; Judiciary.
- WALGREN (Gordon L.)**—Chairman: Transportation and Utilities; Financial Institutions; Local Government.
- WANAMAKER (F. Pat)**—Commerce; Parks and Recreation; State Government; Transportation and Utilities.
- WASHINGTON (Nat W.)**—Chairman: Ecology; Agriculture; Constitution and Elections; Transportation and Utilities.
- WHETZEL (Jonathan)**—Commerce; Ecology; Local Government; Transportation and Utilities.
- WOODALL (Perry B.)**—Judiciary; Rules; Social and Health Services.
- WOODY (Frank)**—Vice Chairman: Judiciary; Labor; Ways and Means.

**SENATE BILLS PASSED BY SENATE AND HOUSE SHOWING
THE ACTION BY THE GOVERNOR THEREON
1973**

**FORTY-THIRD LEGISLATURE
SECOND EXTRAORDINARY SESSION**

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub. 2102	Income tax implementation provisions.....	35X2	9/25/73	**
	*Effective date 1/1/74 except Sections 3 and 21			*
2112	State patrolmen's children, education.....		VETOED	
2136	Highway commission, priority programming..	12X2	9/22/73	12/15/73
2300	Juries selection, electronic data system.....	13X2	9/22/73	12/15/73
Sub. 2377	Congressional elections	36X2	9/25/73	12/15/73**
Sub. 2387	Public employees' retirement system refunds, living costs	14X2	9/22/73	9/22/73
2410	School buses, certain trucks, road conditions	15X2	9/22/73	12/15/73
Sub. 2463	Industrial welfare, all employees.....	16X2	9/22/73	9/22/73
2494	Convention center facilities.....	34X2	9/25/73	12/15/73**
2516	Federal funds, certain, dispersal, reporting...	17X2	9/22/73	12/15/73
Sub. 2603	Institutional closures, economic impact offset	37X2	9/25/73	9/26/73**
2642	Parking facilities, transportation corridors...	18X2	9/22/73	9/22/73
2657	Shoreline management, appeals procedures...	19X2	9/22/73	9/22/73
2659	State patrol, disability benefits.....	20X2	9/22/73	12/15/73
2915	School district, first class, student population..	21X2	9/22/73	12/15/73
2942	Marihuana, opium poppy, genus, defined.....	38X2	9/26/73	9/26/73
2944	State patrol cars, red light requirement deleted	22X2	9/22/73	12/15/73
2945	Marriage registration, location requirement..	23X2	9/22/73	9/23/73
2947	Mentally ill, commitment procedures.....	24X2	9/22/73	12/15/73
2952	Dogfish, fish food use study.....	25X2	9/22/73	12/15/73
2954	Puget Island ferry, operation fund increase..	26X2	9/22/73	10/ 1/73
Sub. 2956	State agency appropriations.....	39X2	9/26/73	9/26/73**
Sub. 2959	Property tax exemptions	40X2	9/27/73	9/27/73
2960	Schools, special levy funds, state aid.....	27X2	9/22/73	1/ 1/74***
2965	Toll bridge authority, supplemental appro- priation	28X2	9/22/73	9/22/73
2967	Energy crisis, governor's emergency powers	29X2	9/22/73	9/22/73
2978	Baseline studies, ecology department.....	30X2	9/22/73	12/15/73
2983	Dependent child definition, students eighteen to twenty-one	31X2	9/22/73	9/22/73

**Partial veto

***Contingent upon passage of HJR 37 at General Election on November 6, 1973.

SENATE RESOLUTIONS PASSED
BY THE SENATE AND HOUSE
1973

FORTY-THIRD LEGISLATURE
SECOND EXTRAORDINARY SESSION

SENATE CONCURRENT RESOLUTIONS

Number

Subject

- 139 Legislative bills, retransmitted and retained
140 Adjournment SINE DIE, second extraordinary session, forty-third legislature

HOUSE BILLS PASSED BY SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON

1973

FORTY-THIRD LEGISLATURE SECOND EXTRAORDINARY SESSION

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
178	Health care activities, labor relations.....	3X2	9/22/73	12/15/73
189	School funds guarantee, junior taxing district levies	4X2	9/22/73	*
	*Effective date 9/22/73 except 1/1/74, Sections 4 and 5			
190	State levy mass refunds.....	5X2	9/22/73	9/22/73
Sub. 221	Food stamp purchases resale, felony.....	6X2	9/22/73	12/15/73
Sub. 323	Controlled substance sales, penalties.....	2X2	Vetoed 4/26/73	12/15/73***
356	Memorial day, Veterans' day, dates changed..	1X2	Vetoed 4/26/73	12/15/73***
458	Part-time workers, unemployment compensa- tion benefits	7X2	9/22/73	12/15/73
2nd				
Sub. 487	Lottery valuable consideration, mail coupon..	41X2	9/27/73	9/27/73**
706	Assessment lists, personal property omission	8X2	9/22/73	12/15/73
785	Minimum wage increased.....	9X2	9/22/73	12/15/73
1075	Federal supplemental security income program	10X2	9/22/73	9/22/73
1121	Teachers' retirement system revisions.....	32X2	9/27/73	9/27/73
1126	Outdoor fires, instructional permits.....	11X2	9/22/73	9/22/73
1128	Education financial equalization act.....	33X2	9/25/73	7/ 1/74**

**Partial veto

***Governor's veto overridden.

**HOUSE RESOLUTIONS PASSED
BY THE SENATE AND HOUSE**

1973

**FORTY-THIRD LEGISLATURE
SECOND EXTRAORDINARY SESSION**

HOUSE CONCURRENT RESOLUTIONS

*Number**Subject*

- 55 Legislature organized, governor notified
56 Legislative bills, transmittal between House and Senate
58 Energy crisis hearing, joint session

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TITLE AND HISTORY OF SENATE AND HOUSE BILLS
AND RESOLUTIONS

ALSO

TOPICAL INDEX

TITLE AND HISTORY OF SENATE BILLS

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Referred to Comm. on Ways & Means	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
2002. Senators Durkan, Odegaard and Gardner: Ex- empting retired persons from property taxa- tion.		215, *Ways & Means			Sess. 1973						
2004. (ENGROSSED) Senators Herr, Stortini and Van Hollebeke: Providing for a state lottery.		SFR 149, 24, 35 *State Govt.	131	132	276	132	22, SCR 139, 276				
2006. (ENGROSSED) Senators Peterson (Lowell) and Talley: Providing for loss of hunting li- cense for unlawfully killing certain wildlife.		SFR 149, 24, 35 *Natural Resources					22				
2007. (ENGROSSED) Senators Rasmussen and New- schwander: Exempting real property used for exhibiting art, scientific or historical collec- tions from property taxation.		SFR 149, 24					22				
2009. (ENGROSSED) Senators Canfield and Jolly (by Joint Committee on Nuclear Energy re- quest): Providing for an advisory council on science and technology and defining its func- tions.		SFR 149, 24					22				

2017. (ENGROSSED) Senators Bailey, Durkan, Peterson (Ted), Rasmussen and Washington (by State Treasurer request): Making certain changes in the veterans' bonus law.	SFR 149, 24, 35 *State Govt.						22	
2019. Senators Fleming and Lewis (Harry) (by State Treasurer request): Authorizing the state treasurer to appoint such deputies as he deems necessary.	SFR 149, 24							
2026. Senator Walgren: Requiring two precinct committeemen in precincts with five hundred or more voters.	SFR 149, 24							
2028. Senators Stortini and Connor: Making overtime hours optional.	SFR 149, 24							
2043. Senators Francis, Clarke and Woody: Providing for jurisdiction in certain actions for divorce, annulment or separate maintenance.	SFR 149, 24, 35 *Judiciary	163	163	276	163	22, SCR 139, 276		
2046. Senators Scott and Marsh: Repealing the host-guest statutes.	SFR 149, 24, 35 *Judiciary	150	150	276	150	SCR 139, 276		
2057. Senators Bottiger, Woodall and Dore (by Legislative Council request): Providing for compensation in inverse condemnation cases for loss of value where there is no trespass.	SFR 149, 24							
2058. (ENGROSSED) Senators Bottiger, Henry and Woodall (by Legislative Council request): Permitting service of traffic citations for offenses not witnessed by citing officer.	SFR 149, 24						22	
2059. (SUBSTITUTE) Committee on Commerce (originally sponsored by Senators Day, Woodall and Bottiger (by Legislative Council request): Providing for the licensing of persons who fit and dispense hearing aids.	SFR 149, 24						22	

*Referred from Rules Committee on 9/15/73 to Senate Committee as designated in SFR 160, pp. 278-280.

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
2145. Senators Walgren, Twigg, Gardner, Sellar and Odegaard (by Municipal Committee request): Enacting comprehensive regulations relating to bingo and raffles.....		SFR 149, 24								
2147. Senators Walgren, Twigg, Gardner and Sellar (by Municipal Committee request): Amending law relating to controlled substances.....		SFR 149, 24								
2158. Senators Sandison and Lewis (Harry) (by Joint Committee on Higher Education request): Providing that universities may adopt rules to authorize and govern collective bargaining....		SFR 149, 24								
2161. Senators Francis and Clarke (by Judicial Council request): Expanding responsibilities of municipal courts in passing sentences.....		SFR 149, 24					22			
2169. Senators Francis and Clarke (by Judicial Council request): Providing that the annual conference of judges may be held outside the state.		SFR 149, 24								
2174. Senators Walgren, Sandison, Twigg and Stortini (by Joint Committee on Higher Education and Municipal Committee request): Setting forth minimum standards for police forces of state colleges and universities.....		SFR 149, 24					22			

2175. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Marsh, Day and Jones): Providing housing authority with certain additional powers to deal with the developmentally disabled and others.....	SFR 149, 24	22
2177. Senators Donohue, Durkan, Day, Twigg, Peterson (Lowell), Henry, Guess, Jolly, Washington, Odegaard, Woody and Talley: Amending the open space law and providing for current use assessment of farm and agricultural land.....	SFR 149, 24	
2181. Senators Woody, Connor and Grant: Requiring employers who are responsible for illegal work conditions to pay additional compensation to workmen injured thereby.....	SFR 149, 24	
2184. Senators Sandison, Walgren and Twigg (by Joint Committee on Higher Education and by Municipal Committee request): Permitting community college district to have police forces.....	SFR 149, 24	
2185. Senators Woody, Grant and Connor: Permitting certain nationally recognized medical disability evaluation guidelines to be received into evidence in workmen's compensation proceedings.....	SFR 149, 24	
2186. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Bottiger, Gardner and Francis): Creating a new state examining and disciplinary board for naturopathic practitioners.....	SFR 149, 25	22
2189. Senators Francis and Twigg: Providing that the personal representative may recover for pain and suffering on behalf of certain beneficiaries.....	SFR 149, 25	22

*Referred from Rules Committee on 9/15/73 to Senate Committee as designated in SFR 160, pp. 278-280.

2221. Senators Grant, Stender and Connor (by Legislative Council request): Increasing weekly unemployment compensation benefit amount for persons working part-time.....	SFR 149, 25, 43 *Labor							
2223. Senators Dore, Stortini and Connor: Establishing a commission for the blind.....	SFR 149, 25							
2224. Senators Grant and Connor: Providing for collective bargaining for educational employees of institutions of higher education.....	SFR 149, 25							
2226. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Fleming, Francis, Murray, Ridder, Bottiger, Grant, Wanamaker and Henry (by Executive request): Providing for changes in the relationship of landlord and tenant.	36, 259	259, 262, 263	262					CH. 207 EX- P. V. 1st EX.
2229. (ENGROSSED) Senators Bottiger, Clarke and Woody (by Department of Social and Health Services request): Limiting the application of the administrative procedure act in certain proceedings.	SFR 149, 25, 37 *Social & Health Services	49	49	276	49	22, SCR 139, 276		
2235. (ENGROSSED) Senators Walgren and Herr: Requiring precinct officers to appear on absentee ballots.	SFR 149, 25, 37 *Const. & Elections	49	50	276	50	22, SCR 139, 276		
2243. Senators Clarke, Bottiger, Woody and Francis (by Department of Social and Health Services request): Providing procedures for crediting time served towards sentence of persons convicted of crime.....	SFR 149, 25							
2245. (ENGROSSED) Senators Walgren and Wanamaker: Providing compensation to members of the marine employees' commission.....	SFR 149, 25, 55 *Transp. & Utilities					22		

*Referred from Rules Committee on 9/15/73 to Senate Committee as designated in SFR 160, pp. 278-280.

TITLE AND HISTORY OF SENATE BILLS--Continued

NUMBER, AUTHOR AND SUBJECT	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
2248. (ENGROSSED) Senators Woody, Atwood and Bottiger: Establishing certification procedures for court reporters.....	SFR 149, 25						22		
2259. Senators Bottiger and Clarke (by Secretary of State request): Prescribing fees for U.C.C. financing statements certificates.....	SFR 149, 25								
2261. Senators Metcalf and Murray: Requiring federal legislators to file annual financial statements.	SFR 149, 25								
2262. Senators Talley, Sellar and Ridder: Changing the voting requirements for water and sewer districts located in more than one city.....	SFR 149, 25, 37 *Local Govt.						22		
2264. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Guess and Henry): Prohibiting alteration of motor vehicle suspension.....	SFR 149, 25, 37, *Transp. & Utilities	50	51	276	51	22, SCR 189, 276			
2266. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Durkan, Ridder and Peterson (Ted) (by Public Employees' and Law Enforcement Officers' and Fire Fighters' Retirement Board request): Amending the law enforcement and fire fighters' retirement system act.....	SFR 149, 25						22		

2267. Senator Walgren: Creating the state fire training advisory board.....	SFR 149, 25	.....
2274. Senators Sandison and Fleming (by Joint Committee on Higher Education request): Authorizing certain applicants holding licenses to practice dentistry in other countries to take state examination to practice dentistry.....	SFR 149, 25	.....
2276. Senator Rasmussen: Prohibiting discrimination in employment because of physical handicap.....	SFR 149, 25	.....
2281. Senators Day, Murray and Woody: Changing law respecting school district's contribution for insurance and protection of board members, employees, etc.....	SFR 149, 25	.....
2283. Senator Grant: Requiring voters to select candidates from one party at primary elections.....	SFR 149, 25	.....
2290. Senators Woody, Atwood and Van Hollebeke: Requiring that judgments in small claims court be registered automatically for enforcement in justice court if the judgment remains unpaid for twenty days.....	SFR 149, 25	.....
2291. Senators Bottiger, Murray and Talley: Changing date certificated school employees must be notified that their employment contract will not be renewed.....	SFR 149, 25	.....
2295. Senators Francis, Clarke, Day and Jones (by Department of Social and Health Services request): Regulating the conservatorship of disabled persons.....	SFR 149, 25	.....
2298. Senators Greive, Talley, Bottiger and Murray (by Legislative Council request): Regulating fire extinguishers and fire extinguishing systems.....	SFR 149, 25	.....

*Referred from Rules Committee on 9/15/73 to Senate Committee as designated in SFR 160, pp. 278-280.

2324. Senators Day, Bailey and Atwood (by Department of Personnel request): Amending the duties of the state committee on salaries.....	SFR 149, 25, 27, *State Govt.		
2325. Senators Grant, Peterson (Ted) and Connor: Providing for workmen's compensation cost of living increases.....	SFR 149, 25		
2326. (ENGROSSED) Senators Durkan, Bailey and Rasmussen (by State Auditor request): Authorizing state auditor to make recommendations for improved level of fiscal management.	38, *State Govt.		Vetoed 1st Ex.
2329. Senators Atwood and Mardesich: Providing for changes in the legal services revolving fund.	SFR 149, 25	22	
2338. Senators Peterson (Lowell), Peterson (Ted) and Marsh (by Interim Committee on Fisheries, Game and Game Fish request): Providing for a compact between Washington, Oregon and Idaho relating to the Columbia River.....	SFR 149, 25		
2343. Senators Greive, Woodall and Francis (by Legislative Council request): Requiring that a party to a civil action be furnished with a copy of any statement made by him.....	SFR 149, 25		
2345. (ENGROSSED) Senators Atwood, Durkan and Canfield: Providing for a legislative auditor.	SFR 149, 25	22	
2346. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Durkan, Atwood, Donohue and Murray (by Executive request): Limiting property tax levies.	SFR 149, 25	22	

*Referred from Rules Committee on 9/15/73 to Senate Committee on Finance, SFR 160, pp. 278-280.

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2347. (ENGROSSED) Senators Ridder, Talley and Canfield: Providing for issuing of certain bonds by sewer districts.....		SFR 149, 25, 38, *Local Govt.					22			
2366. Senator Grant: Relating to legislative redistricting.....		SFR 149, 25, 91, *Const. & Elections	139	140	276	140	22, SCR139, 276			
2374. (ENGROSSED SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senators Gardner, Murray and Peterson (Ted): Authorizing certain tidelands and shorelands to be given to public entities solely for park and recreational purposes.....		SFR 149, 25, 38					22			
2377. (ENGROSSED) Senators Grant and Stortini (by Secretary of State request): Changing laws relating to U.S. congressional elections.....		SFR 149, 25	51		51		22			
2377. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Grant and Stortini): Changing laws relating to U.S. congressional elections.....			89	89	237, 249-250	89, 251	237	264	275	Signed p. 282 CH. 36 P.V.

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
2399. Senators Francis, Woody and Woodall: Defining reasonable attorney's fees in eminent domain proceedings.		SFR 149, 26					22			
2401. Senators Woody and Knoblauch: Providing for personalized license plates.		SFR 149, 26, 44, *Parks & Recreation								
2402. Senators Canfield, Jolly and Francis (by Joint Committee on Nuclear Energy request): Implementing laws relating to nuclear thermal power facilities.		SFR 149, 26, 55, *Transp. & Utilities								
2408. Senators Walgren, Twigg and Sandison: Authorizing remedies and penalties for violation of municipal competitive bidding requirements.		SFR 149, 26, 38, *State Govt.	150	150	276	150	22, SCR 139, 276			
2410. (ENGROSSED) Senators Bottiger, Henry and Sandison: Allowing the operation of school buses and certain trucks under any road conditions.		SFR 149, 26, 56	129	129		129	23, 193	194	196	Signed p. 287 CH. 15
2416. Senators Bottiger and Walgren: Implementing the law relating to motor vehicle theft.		SFR 149, 26					23			
2421. (ENGROSSED) Senators Ridder, Marsh and Canfield (by Secretary of State request): Providing for changes in the publication of notice of proposed constitutional amendments.		SFR 149, 26					23			

2423. Senators Grant and Murray: Providing that first, second and third class cities may operate off street parking facilities and set minimum rates to be charged public.....	SFR 149, 26							
2424. Senators Francis and Clarke (by Judicial Council request): Providing new procedures for marriage and the dissolution of marriage.....	SFR 149, 26							
2429. Senators Ridder, Grant and Canfield: Implementing law relating to absentee balloting.....	SFR 149, 26, 38, *Const. & Elections							
2433. Senators Durkan, Murray and Francis: Providing that a defendant may be required to pay an amount, fixed by the court, to the victim of crime.....	124, *Judiciary						Referrel to Judiciary Comm. 1973 Reg. Sess.	
2438. (ENGROSSED) Senators Donohue, Guess, Sandison and Durkan: Allowing money from liquor revolving fund to universities to be used for alcoholism and drug addiction research.....	SFR 149, 26, 38, *Higher Ed.							23
2443. Senators Dore and Woodall: Permitting justices of the supreme court and judges of the court of appeals to participate in state health care insurance coverage.....	SFR 149, 26							
2446. Senators Lewis (Harry), Peterson (Ted) and Mardesich (by Executive request): Planning and funding of capitol office facilities.....	SFR 149, 26							
2447. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Bottiger and Twigg: Relating to lotteries and defining "valuable consideration".....	SFR 149, 26, 39, *Judiciary	51	52	276	52	276	23, SCR 139,	
2454. Senators Bottiger and Grant: Making certain changes in the regulation of employment agencies.....	SFR 149, 26							

*Referred from Rules Committee on 9/15/73 to Senate Committee as designated in SFR 160, pp. 278-280.

2463. Senators Grant, Bailey, Fleming and Stender (by Department of Labor and Industries request): Revising the law relating to industrial welfare.	SFR 149, 26, 44								
2463. (SUBSTITUTE) Committee on Labor (originally sponsored by Senators Grant, Bailey, Fleming and Stender): Revising the law relating to industrial welfare.....		126	126	126	159	160	195	Signed p. 287 CH. 16	
2465. (ENGROSSED) Senators Henry and Canfield (by Secretary of State request): Making changes in the laws relating to primary elections.	SFR 149, 26				23				
2468. (ENGROSSED) Senators Rasmussen, Peterson (Lowell), Herr and Woody: Granting free game licenses to persons who will turn seventy years of age within calendar year.....	SFR 149, 26				23				
2473. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Day and Scott): Regulating the practice of massage.....	SFR 149, 26				23				
2474. Senators Lewis (Harry) and Rasmussen: Directing the state personnel board and higher education personnel board to award costs, including attorney fees to reinstated employees.	SFR 149, 26								
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2553. Senators Walgren and Bottiger: Increasing penalties for defrauding hotels, inns, restaurants and boarding houses.....	SFR 149, 27
2555. (ENGROSSED) Senators Herr, Donohue, Twigg, Lewis (Harry), Henry, Keefe, Woodall and Connor: Reducing liquor tax from four to two cents per fluid ounce.....	SFR 149, 27	23
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2565. Senators Ridder and Peterson (Lowell): Enacting the automotive repair responsibility act.	SFR 149, 27	23
2572. (ENGROSSED) Senators Whetzel, Ridder and Talley: Clarifying the authority of sewer districts.	SFR 149, 27, 39, *Local Govt.	145	145	276	145	23, SCR 139, 276
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2697. (ENGROSSED SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Washington and Gardner (by Lieutenant Governor request): Placing certain appointed public officials under financial disclosure requirements.....	*Const. & Elections	141, 151		142, 153					
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2889. Senators Greive, Stortini, Knoblauch, Woodall, Guess and Metcalf: Changing Memorial Day and Veterans' Day back to May 30th and November 11th respectively.....	SFR 149, 28								
2909. Senator Metcalf: Directing the director of OPFFM to establish a uniform system of state payroll accounting.	SFR 149, 28								
2910. Senator Grant: Relating to elections.....	SFR 149, 28, 40								
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2914. (ENGROSSED) Senators Murray and Washington: Permitting the shorelines hearings board to adopt rules of practice and procedure.	SFR 149, 28					23			
2915. Senators Fleming, Ridder and Gardner: Reducing student population qualifications for recognition of certain districts in class AA counties as separate classification of districts for certain purposes.	41	52	52	Ex. Sess.	52	143	160	195	Signed p. 287 CH. 21

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2921. Senators Day, Murray and Fleming: Establishing a community based correction demonstration project for nondangerous offenders.....	SFR 149, 28							
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2943. Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Twigg, Clarke, Jones, Murray, Keefe, Woody and Herr): Implementing the laws of licensing renewal fees of certain professions.....	32	42	97	99, 129
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2946. Committee on Parks and Recreation (endorsed by Senators Knoblauch, Jones, Canfield, Bailey, Woody and Wanamaker): Implementing the law of state shorelands and tidelands.....	33	44, *Parks & Recreation	133	133	276	133	SCR 139, 276

2947. Judiciary Committee (endorsed by Senators Atwood, Clarke, Bottiger, Van Hollebeke, Woodall, Francis, Dore and Twigg): Changing the effective date of laws relating to new commitment procedures for mentally disordered persons.	33	41	133	137	237	137, 237	237	249	257	Signed p. 287 CH. 24
2948. Senator Dore: Implementing the provisions of initiative measure 282 by legislative enactment.	33									
2949. Senators Henry, Herr, Knoblauch, Greive, Peterson (Lowell), Lux, Van Hollebeke, Day and Talley: Providing for the licensing and regulation of the practice of traditional Chinese medicine.	34									
2950. Senators Lewis (Harry), Talley and Keefe: Establishing permanent daylight saving time.	34				35					
2951. Senator Greive: Continuing salaries for certain elected state officials at their present level.	34									
2952. Senators Peterson (Lowell), Metcalf and Peterson (Ted): Authorizing a study of fish food.	34	42	139	189		139	193	194	196	Signed p. 287 CH. 25
2953. Senators Dore and Mardesich: Implementing the laws relating to motor vehicle insurance.	34									
2954. Senators Odegaard and Talley: Authorizing the state highway commission to increase the amount of funds for the operation of the Puget Island ferry.	34	65	84	84	219	84, 220	219	249	257	Signed p. 287 CH. 26
2955. Senator Rasmussen: Providing effective dates for certain retired persons' tax exemptions.	34									
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2957. Senators Atwood and Donohue (by Legislative Budget Committee request): Making certain changes in the laws relating to teachers' retirement system.	34									
2958. Senators Durkan, Murray and Gardner (by Executive request and Superintendent of Public Instruction request): Enacting the property tax relief and basic program of education financial equalization act of 1973.	44									
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2960. Senator Durkan: Implementing law relating to state aid for use of common schools.	57	66	84	84		84	275	277	277	Signed p. 287 CH. 27
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2988. Senator Canfield: Providing referendum procedure for changes in salaries of elected officials.	193									
2989. Senators Mattingly, Talley and Sellar: Authorizing members of legislative bodies of cities and towns to serve as volunteer firemen and receive like compensation and benefits as others so employed.	194									
2990. Senators Dore and Woody: Implementing law relating to claims against the state.	194									
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2993. Senator Walgren: Making it a crime to dig without first contacting utilities serving the area and establishing monetary liability.	233									
2994. Senator Bailey: Requiring full disclosure from those who solicit funds for public charitable purposes.	233									

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103. Senators Rasmussen, Grant and Metcalf: Petitioning Congress to repeal the war powers act upon conclusion of the Vietnam conflict.		SFR 149, 28							
106. Senators Donohue and Walgren: Providing for a second bridge across the Snake River funded with federal money.		SFR 149, 28, 42, *Transp. & Utilities	153	153	276	154	23, SCR 139, 276		
107. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Stortini, Rasmussen, Newschwander, Knoblauch and Walgren): Requesting the Congress to make the proposed Tacoma Spur a part of the national system of interstate highways.		SFR 149, 28, 42, *Transp. & Utilities					23		
109. Senators Van Hollebeke, Day, Rasmussen and Marsh: Memorializing Congress to lower minimum social security age for full benefits from sixty-five to sixty-two.		SFR 149, 28							
114. Senators Fleming and Day: Memorializing Congress to provide for quality health care services on a national basis.		SFR 149, 28							
115. Senators Marsh, Grant and Metcalf: Memorializing Congress to grant home rule and congressional representation to the District of Columbia.		SFR 149, 28							
118. Senators Ridder, Fleming, Connor and Dore: Memorializing Congress with respect to Seattle's public service hospital.		SFR 149, 28					23		

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123. Senators Day and Keefe: Memorializing Congress to critically review the proposed merger of the Milwaukee Road into the Burlington Northern complex.		SFR 149, 28					28		
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129. Senators Donohue, Jolly, Odegaard and Washington: Requesting the federal government to approve the use of DDT against the Douglas fir Tussock moth.	125								
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105. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Washington, Grant, Ridder, Metcalf and Whetzel): Amending the state Constitution to provide for annual sessions and allowing the legislature to convene itself for extraordinary sessions of no more than thirty days.		SFR 149, 28							
106. Senators Metcalf, Murray, Gardner and Ridder: Providing for the retirement of judges at the age of seventy and setting limitations on the number of years one can hold elective office.		SFR 149, 28							
108. Senator Durkan: Providing a constitutional limitation on the delegation of legislative power to administrative agencies.		SFR 149, 28							
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110. (ENGROSSED) Senators Day and Matson (by Legislative Council request): Providing for a study of grass seed production.		SFR 149, 28					23		
111. Senators Odegaard and Gardner: Providing for review of institutional education programs and parental input into their contents.		SFR 149, 28					23		
115. Senators Grant, Mardesich and Washington: Creating a special advisory committee to study problems relating to use of voting devices and vote tallying machines.		SFR 149, 28							
122. Senators Canfield, Jolly, Marsh and Washington: Requesting the Governor to form an agricultural study committee.		SFR 149, 28							
124. Senators Lewis (Harry) and Atwood: Providing a schedule for the special session.		SFR 149, 28							
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145. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Reconstituting officers and committees, reassignment of members to standing committees.	18					18 Adopted
146. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Notifying House that Senate is organized.	19				19, 20	19 Adopted
147. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Extending courtesies to former presidents, members and secretaries of the Senate.	19					19 Adopted
148. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Providing for payment of members' subsistence allowance and employees' salaries upon subsistence payrolls. Providing for necessary supplies, equipment and materials required to operate the Senate.	20					20 Adopted
149. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Referral of bills from Committee on Rules to standing committees as indicated on resolution.	24					23 Adopted
150. All 49 Senators: Extending appreciation for many years of faithful service rendered by Charles A. "Charlie" Gerold upon his retirement.	167					168 Adopted
151. Senators Day, Jones, Durkan, Walgren and Francis: Requesting Congress to consider amending "Phase IV Policy".	266					266 Adopted
152. Senators Metcalf, Whetzel and Jones: Requesting governmental bodies to consider alternative site before locating National Oceanographic and Atmospheric Administration at Sand Point.	267				267	267 Adopted
153. Senators Scott and Atwood: Directing Council on Higher Education to examine issues associated with academic institution staff reductions and report to next extraordinary session of the legislature.	267					267 Adopted

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155. Senators Atwood and Peterson (Lowell): Requesting Higher Education Personnel Board adopt rules to provide civil service employees under its jurisdiction in a layoff status for transfer or reemployment in vacant positions for which they are qualified.....	268					268 Adopted
156. Senators Scott and Odegaard: Requesting Senate Ways and Means Committee undertake study of retirement benefits available to teacher and nonteacher legislators and devise means to equalize retirement benefits and report back to next ensuing extraordinary session.	269					269 Adopted
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159. Senators Bailey, Mardesich, Atwood and Lewis (Harry): Appointing committee to notify House that the Senate is ready to adjourn the second extraordinary session of the forty-third legislature.	278				278	278 Adopted
160. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Referral of Senate bills in the Committee on Rules to the standing committee from which they were last referred.....	278					279 Adopted

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

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GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- State, established, duties, SB 2004(a).
- Marine employees, members, per diem, travel compensation, provision, SB 2245(a).
- Oceanographic, membership increased, changed, SB 2602.

COMMITTEE OF THE COMMITTEE (see Rulings by the President):

COMMITTEES:

- Congressional acts, required state committees, councils, expenses, legislative appropriation provision, *SB 2516(a), CH. 17.
- Electrical emergency curtailment and/or allocation, established, powers, duties, *SB 2967, CH. 29.
- Industrial welfare, membership revised, expanded, powers, duties, SB 2463, *Sub SB 2463, CH. 16.
- Legislative transportation, joint committee, name changed, HB 92, *SB 2136(a), CH. 12.
- Noise abatement, technical advisory, ecology department, naming authorized, Sub HB 569(a).
- Outdoor recreation interagency committee, wild, scenic, recreational river system, establishment, studies, appropriation, HB 582(a).
- River system, wild, scenic, recreational interdepartmental, established, HB 582(a).
- Veto, governor, bills, establishing, appropriations, not permitted, SJR 140.

COMMON SCHOOLS (see Schools):

COMMUNICATIONS:

- Private messages, intercept, record, divulge, unlawful, SB 2985.

COMPENSATION (see Salaries and Wages):

CONDEMNATIONS:

- Eminent domain, proceedings, reasonable attorneys fees, determination factors defined, SB 2399.

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CONGRESS:

- Food, other necessities, inflationary trends, action to curb, petitioned, SJM 130.
- State approval, certain facilities installation, U.S. 836 passage petitioned, SJM 125.

CONGRESSMEN:

- Vacancies, special, primary elections, term, date, provisions, SB 2377(a), *Sub SB 2377, CH. 36 PV.

CONSERVATION AND DEVELOPMENT:

- Rivers, wild, scenic, recreational system establishment, studies, HB 582.
- Salmon, commercial fishing licenses, number limitation, decreased, SB 2940.
- Wild, scenic, recreational system, interdepartmental committee established, management policy development provisions, HB 582(a).

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

CONSTITUTIONAL AMENDMENTS:

- Legislative bills, carry over, subsequent sessions, HJR 6.
- Legislature, size reduced, redistricted, sessions, salaries, provisions, SJR 142.
- Notices, publication, additional explanatory information, SB 2421(a).
- Officials, elected, state, compensation, recommendations, pay board established, duties, SJR 139.
- Elective, state, proposed salary changes, referendum provisions, SB 2988.
- Pay board, established, state elective officials compensation recommendation duties, SJR 139.
- Referendum, foreign language, minority newspapers, notice publication provisions, HB 426.
- Revisions, multiple portions, permitted, HJR 31.
- Veto, governor, appropriation bills, single items, provision, SJR 141.
- Entire sections, requirement, SJR 103.
- Sections, items, legislative reconsideration vote provisions, SJR 140.

CONSTRUCTION:

- Building, state code, provisions, Sub SB 2634(a).

CONSUMER PROTECTION:

- Unit pricing, grocery stores, regulations, HB 1026(a).

CONTESTS:

- Merchants, retail, promotional regulation, Sub SB 2447(a).

CONTRACTS:

- Athletic, sport franchises, private nongovernmental, ad valorem tax exemption, HB 1006.
- Health care services, all licensed practitioners, equal participation basis, SB 2577(a).
- Municipal, competitive bidding requirements, issuance violations, penalties, SB 2408.
- Public works, retained, percentage, trust account deposit, interest payment, provisions, SB 2667(a).

CONTROLLED SUBSTANCES:

- Addicts, voluntary rehabilitation program participation, selling offenses immunity, *Sub HB 323, CH. 2.
- Drugs, food, cosmetics, possible injury cause, sale embargo, SB 2492.
- Marihuana, opium poppy, genus definitions, *SB 2942, CH. 38.
- Prisoners, possession, penalties, HB 302(a).
- Sale, illegal, mandatory sentences, *Sub HB 323, CH. 2.

CONVENTIONS AND CONFERENCES:

- Center facilities, construction funding lodging excise tax, use authorized, *SB 2494, CH. 34 PV.

CORPORATIONS:

- Public grants-in-aid, federal programs, participation authorized, SB 2843, 2nd Sub SB 2843.
- Registered agent, secretary of state, summons service fee increased, SB 2475.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

CORRECTIONAL INSTITUTIONS (see Institutions):

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Seattle community college district No. 6 board, trustee, GA 142, p. 78

CORRIDOR (TRANSPORTATION):

Parking facilities, land acquisition, construction, highway commission eminent domain provisions, *SB 2642, CH. 18.

CÓRTEZ, RUDOLFO:

Mexican-American affairs commission, member, GA 117, p. 73

COSMETICS:

Injury, possible cause, food, drugs, cosmetic, sale embargo, SB 2492.

CÔST OF LIVING:

City employees, retirement system beneficiaries, increases, provisions applicable, *Sub SB 2387, CH. 14.

COUNCIL ON HIGHER EDUCATION:

Examine issues, academic institution, staff reductions, *SFR 153 p. 267

COUNCILS:

- Building code advisory, established, Sub SB 2634(a).
- Congressional acts, required state committees, councils, expenses, legislative appropriation provision, *SB 2516(a), CH. 17.
- Creation, combining by governor prohibited, referendum provision, SB 2980.
- Hearing aids, created, duties, Sub SB 2059.
- Science and technology, advisory council, renamed, duties, membership, SB 2009(a).
- Technological education, advisory, appointed, Sub SB 2120.
- Women, established, duties, HB 1059(a).

COUNTIES:

- Annexations, petitions, resolutions, final action, time period requirement, SB 2388.
- Assessments, special, retired persons' residences, payment deferral authorized, SB 2981.
- Bids, competitive, contract requirements, issuance violations, penalties, SB 2408.
- Convention center facilities, stadiums, cities, counties, construction funding, lodging excise tax, use authorized, *SB 2494, CH. 34 PV.
- Fire protection districts, support, service charge, imposition authorized, SB 2938.
- Funds, time deposits, interest, U.S. treasury six month bill auction basis, HB 1047(a).
- Grants-in-aid federal programs, participation authorized, SB 2843, 2nd Sub SB 2843.
- Initiatives, referendums, noncharter counties, voter proposals, approvals, provisions, SB 2143, Sub SB 2143.
- Junior taxing districts, county levies reduced, incomplete cyclical revaluation reasons, proportional reductions, HB 446(a).
- Justices of peace, 2nd class and larger counties, attorney requirement repealed, SB 2982.
- Legal interns, employment by prosecuting attorneys permitted, SB 2961.
- Levies, state, county, district refunds, adjustment procedures, *HB 190(a), CH. 5.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

COUNTIES--Continued:

- Mass refund, adjustment, county property tax remittance deductions authorized, *HB 190, CH. 5.
- Tuberculosis, public health, mental health purposes, amount reduced, *HB 189(a), CH. 4.
- Mentally ill, commitment, procedures, payment, reviews, general revisions, *SB 2947, CH. 24.
- Noise, abatement, control, state-wide, ecology department authority, efforts expansion provisions, Sub HB 569(a).
- Officials, appointed, financial disclosure, annual statements, filing required, SB 2697(a).
Recall charges, detailed complaint descriptions, requirement, SB 2678(a).
- Port districts, commissioners, class AA counties, coextensive, nine councilman districts, election provisions, Sub HB 519.
Number increased, HB 519.
Number increased to nine, election provisions, HB 519.
- Treasurer, other than county treasurer, selection authorized, SB 2095(a).
- Property, cyclical revaluation incomplete, levy value increase limitation not applicable, HB 446(a).
Real, retired persons' residences, payment deferral authorized, HB 1134, SB 2981.
- Property tax, levy limitation, millage allocations, SB 2102, Sub SB 2346(a).
- Reforestation lands, proceeds, county disposition, allocations, provisions, SB 2480.
- Regional planning commissions, plans, programs, municipal conformity provisions, SB 2318.
- Rental support, elderly poor, infirm persons, program authorized, SB 2972.
- School districts, first class, AA counties, student population, number requirement reduced, *SB 2915, CH. 21.
- Sewer districts, sewer systems defined, HB 727, SB 2572.
Storm surface water authority, services, combined charges, provisions, SB 2572(a).
- Tidelands, shorelands, state, conveyance, park purposes, provisions revised, SB 2946.
- Transit systems, funding, tax imposed, similar city taxes prohibited, SB 2975.

COUNTY OFFICERS -- ASSESSORS:

- Property, personal, omitted taxpayer report, assessed value reporting required, *HB 706(a), CH. 8.

COUNTY OFFICERS -- PROSECUTING ATTORNEYS:

- Legal interns, employment by prosecuting attorneys permitted, SB 2961.

COUNTY OFFICERS -- TREASURER:

- Port districts, treasurer, other than county treasurer, selection authorized, SB 2095(a).

COURT REPORTERS:

- Certification, standards, provisions, SB 2248(a).

COURTS:

- Crime victims, repayment, defendant's money, property gain, awarding authorized, SB 2433.
- Judges, pro tempore, salary, expenses, remuneration established, SB 2140(a).
- Municipal, sentences, punishment assessment, justices authority, provision, SB 2161.
- Reporters, certification standards, provision, SB 2248(a).

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA--Gubernatorial Appointment.

SFR--Senate Floor Resolution.

(a)--Amendment to original bill.

COUNTIES—Continued:

- Superior, jury selection, electronic data processing system, use provisions, *SB 2300(a), CH. 13.
- Supreme, justices, number reduced to 5, SB 2987.

CRIMES AND CRIMINAL PROCEDURES:

- Controlled substances, sale, illegal, mandatory sentences, *Sub HB 323, CH. 2.
- Criminal justice, education and training standards boards, established, duties, Sub SB 2132.
- Criminal justice training commission, created, duties, Sub SB 2132.
- Drug addicts, voluntary rehabilitation program participation, selling offenses immunity, *Sub HB 323, CH. 2.
- Food stamps, food purchases, resale, crime, *Sub HB 221, CH. 6.
- Motor vehicles, motorbikes, motorboats, stolen, manufacturer's serial number, altered, destroyed, rightful owner, return, disposal, provisions, SB 2416.
- Victims, repayment, defendant's money, property gain, court awarding authorized, SB 2433.

CRIME VICTIMS:

- Repayment, defendant's money, property gain, court awarding authorized, SB 2433.

CRIMINAL JUSTICE TRAINING COMMISSION:

- Created, duties, SB 2132, Sub SB 2132.

CRUDE OIL:

- Pollution, prevention, waters baseline studies program, *SB 2978, CH. 30.

DAMAGES:

- Claims, against state, incapacitated claimant, filing time extension, SB 2990.
- Survival of actions, pain, suffering damages, beneficiaries, personal recovery provision, SB 2189.

DATA PROCESSING (see Automated Data Processing):

DAY, SENATOR WILLIAM S.:

- Remarks regarding SB 2943 p. 97

DAYLIGHT SAVINGS TIME:

- Permanently established, SB 2950.

DDT:

- Tussock moth, Douglas fir damage prevention, use authorization petitioned, SJM 129.

DEGREES – COLLEGES AND UNIVERSITIES:

- Eastern Washington state college, social work, master degree program, established, appropriation SB 2574.

DE LA CHAPELLE, CHARLES:

- Yakima Valley community college district No. 16 board, trustee, GA 153, p. 81

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

DENTIST AND DENTISTRY:

Acupuncture, practice, under approved dental supervision, authorized, Sub HB 14.

DEPOSITARIES (see Public Depositaries):**DEVELOPMENTALLY DISABLED:**

Group homes, halfway houses, for developmentally disabled persons, city housing authority operation, authorized, Sub SB 2175(a).

DIKING DISTRICTS (see Districts):**DISABILITY – MEDICAL:**

State patrolmen, non-service incurred benefits, amount, reduction provision, *SB 2659(a), CH. 20.

DISABLED (See Handicapped and Disabled):**DISCRIMINATION:**

Chiropractic, health care insurance, state programs, prohibited, SB 2675(a).

Health care service contracts, all licensed practitioners, equal participation basis, SB 2577(a).

DISTRICTS (see also type of District, also Redistricting):

Diking, commissioners, meeting attendance, compensation provisions, SB 2584(a).

Fire protection, support, service charge, imposition authorized, SB 2938.

Irrigation, electric energy, purchase, surplus disposal, provisions, SB 2627.

Officials, appointed, financial disclosure, annual statements, filing required, SB 2697(a).

Port, treasurer, other than county treasurer, selection authorized, SB 2095(a).

Taxing, junior, county levies reduced, incomplete cyclical revaluation reasons, proportional reductions, HB 446(a).

DIVISIONS:

Lottery, established, revenue department, SB 2004(a).

DIVORCE:

Children, visitation rights, provisions, SB 2061.

Jurisdiction, spouse, domicile, time period provision, SB 2043.

Stepchildren, support obligation, ceases with separation or divorce, SB 2973.

DOGFISH:

Fish food, production, feasibility study, *SB 2952, CH. 25.

DOMESTIC RELATIONS:

Children, divorce, annulment, visitation rights, provision, SB 2061.

Divorce, actions, jurisdiction, spouse, domicile, time period provision, SB 2043.

Marriage, dissolution, validity, proceedings petitions, registration location requirement deleted, *SB 2945, CH. 23.

Stepchildren, support obligation, ceases with separation or divorce, SB 2973.

DONOHUE, MICHAEL E.:

Gambling commission, member, GA 100, p. 70

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

DONOHUE, SENATOR HUBERT F.:

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DORE, SENATOR FRED H.:

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DOUGLAS FIR:

Tussock moth, damage prevention, DDT use authorization, petitioned, SJM 129.

DRUGS (see also Controlled Substances):

Addicts, research, training programs, university liquor revolving funds, use provision, SB 2438(a).

Voluntary rehabilitation program participation, selling offenses immunity, *Sub HB 323, CH. 2.

Injury, possible cause, food, drugs, cosmetics, sale embargo, SB 2492.

Marihuana, opium poppy, genus definitions, *SB 2942, CH. 38.

Prisoner possession, penalties, HB 302(a).

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EASTERN WASHINGTON STATE COLLEGE (see also Colleges and Universities):

Social work, masters degree program, established, appropriation, SB 2574.

ECOLOGY:

Baseline studies program, waters, shoreline, oil pollution prevention purposes, *SB 2978, CH. 30.

Department, air pollution variances, approval authority, SB 2969.

Noise, abatement, control, state-wide, ecology department authority, efforts expansion provisions, Sub HB 569(a).

ECONOMIC IMPACT:

Institutions, state, closures, offset provisions, SB 2603, *Sub SB 2603, CH. 37 PV.

EDUCATION:

Criminal justice, education and training standards boards, established, duties, SB 2132, Sub SB 2132.

Financial aid, school districts, equalized, property tax relief provisions, SB 2958, *HB 1128(a), CH. 33 PV.

Institutional programs, biennial review, recommendations, SCR 111.

Intermediate, boards, elections, duties, general revisions, SB 2392(a).

Learning difficulties, student screening program, elementary schools, study, SCR 127(a).

School districts, financial equalization aid, property tax relief, provisions, SB 2958, *HB 1128(a), CH. 33 PV.

State support, 95% average amount per student, guarantee, *HB 189(a), CH. 4.

Social work, masters degree program, established, appropriation, SB 2574.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

EDUCATION—Continued:

- State patrolmen retirement, surviving children, under 21, benefits, *SB 2112, VETOED, *Sub SB 2387, CH. 14.
- State support, school districts, equalized financial aid, property tax relief, provisions, SB 2958, *HB 1128(a), CH. 33 PV.
- Student exchange compact, western interstate commission for higher education, program coordination, planning provisions, Sub SB 2120.
- Technological, higher education, clearinghouse, study, council duties, Sub SB 2120.
- Title only, HB 979(a).

EIDAL, RICHARD A.:

- Green River community college district No. 9 board, trustee, GA 147, p. 79

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- Absentee ballots, issuance, future use, provisions, SB 2429.
- Absentee ballots, precincts less than 100 voters, issuance, use provisions, SB 2429.
- Congressmen, vacancies, special, primary elections, term, date, provisions, SB 2377(a), *Sub SB 2377, CH. 36 PV.
- Constitutional amendments, notice publication, additional explanatory information, SB 2421(a).
- Fire protection districts, support, service charge imposition authorization, SB 2938.
- Initiatives, referendums, noncharter counties, voter proposals, approvals, provisions, SB 2143, Sub SB 2143.
- Initiatives, referendums, recalls out-of-state campaign support contributions, prohibition repealed, Sub SB 2910.
- Precinct committeemen, absentee voting provision, SB 2235(a).
- Primaries, even-numbered years, candidate filing, election dates, revisions, SB 2465(a).
- Procedures, various aspects, study, SCR 129(a).
- School districts, 3rd class, board membership increase, procedures, provisions, SB 2307.
- Sewer, water districts, located within more than one city, propositions, voting provisions, SB 2262.
- Special excess levies, voter majority provisions, revised, SB 2102.
- State agencies, boards, commissions, councils, creation, combining by governor prohibited, referendum provision, SB 2980.
- Title only, SB 2910.

ELECTRICITY — POWER:

- Curtailment, allocation, use, governor's authority, provisions, *SB 2967, CH. 29.
- Electrical emergency curtailment and/or allocation committee, established, powers, duties, *SB 2967, CH. 29.
- Energy crisis, hearing, joint session, *HCR 58.
- Irrigation districts, purchase, surplus disposal, provisions, SB 2627.
- Nuclear, thermal power facilities, development, joint operating agencies, participation authorized, SB 2402.
- State agencies, study, electrical, petroleum fuel energy use reduction, SB 2966.

ELECTRONIC DATA PROCESSING:

- Juries, superior courts, selection, use provisions, *SB 2300(a), CH. 13.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

EMERGENCIES AND EMERGENCY SERVICES:

- Emergency medical aid, state-wide program, established, SB 2365(a).
- Emergency vehicles, school buses, fuel, milk conditions, use provisions, *SB 2410(a), CH. 15.

EMINENT DOMAIN:

- Attorney fees, proceedings, reasonableness, determination factors defined, SB 2399.
- Transportation corridor parking facilities, highway commission acquisition, construction, provision, *SB 2642, CH. 18.

EMPLOYEES:

- Hospitals, nursing homes, labor relations, bargaining representation, provisions, *HB 178, CH. 3.
- Industrial welfare, equal provisions, all individuals, SB 2463, *Sub SB 2463, CH. 16.
- Marine commission, members, per diem, travel compensation, provision, SB 2245(a).
- Minimum wages, increased, *HB 785(a), CH. 9.
- Part-time, unemployment benefits increased, SB 2221, *HB 458, CH. 7.
- Public, retirement system, board, membership increased, SB 2387.
- Cost of living benefits, increase provisions, SB 2387.
- Public, retirement system, cost of living increases, termination refunds, provisions, *Sub SB 2387, CH. 14.
- School, disputes, professional negotiations department, superintendent of public instruction office, created, duties, HB 979(a).
- State institutions, closures, economic impact, offset provisions, *Sub SB 2603, CH. 37 PV.
- State, vacation leave days, computation, calendar year basis, SB 2497.
- Wages, hours, conditions, industrial welfare committee, investigative duties, SB 2463, *Sub SB 2463, CH. 16.

EMPLOYERS:

- Industrial welfare, equal provisions, all individuals, SB 2463, *Sub SB 2463, CH. 16.
- Minimum wage, increased, *HB 785(a), CH. 9.
- Reemployment, refusals, report, employment security department, required, SB 2669(a).

EMPLOYMENT:

- Industrial welfare, equal provisions, all individuals, SB 2463, *Sub SB 2463, CH. 16.
- Minimum wage, increased, *HB 785(a), CH. 9.
- Reemployment, refusals, report, employment security department, required, SB 2669(a).

EMPLOYMENT SECURITY:

- Department, unemployment compensation, reemployment, refusals, reports, required, SB 2669(a).
- Part-time employees, unemployment compensation benefits, increased, SB 2221, *HB 458, CH. 7.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

ENERGY:

Crisis, hearing, joint session, *HCR 58.

Electric power, use, curtailment, allocation, governor's authority, provisions, *SB 2967, CH. 29.

Electrical emergency curtailment and/or allocation committee, established, powers, duties, *SB 2967, CH. 29.

Plants, producing, control standards, temporary variances authorized, SB 2968.

ENVIRONMENT (see also Ecology, also Pollution):

Congress, U.S. 836, state approval, certain facilities installations, passage petitioned, SJM 125.

ERICKSON, ANNA MAE:

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Pan African foundation, program, cooperation, appropriation, SB 2984.

EXPOSITIONS (see Fairs):**FAIRS:**

World, amusement games, authorized, *2nd Sub HB 487(a), CH. 41 PV.

FARMERS AND FARMING:

Grass, turf burning, seed production purposes, alternate methods, study, SCR 110(a).

FEDERAL GOVERNMENT:

Congress, U.S. 836, state approval, certain facilities installations, passage petitioned, SJM 125.

Congressional acts, required state committees, councils, travel, subsistence expenses; legislative appropriation provision, *SB 2516(a), CH. 17.

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Federal programs, governor's legislative report, submission, 1st day of regular session, *SB 2516(a), CH. 17.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

FEDERAL GOVERNMENT—Continued:

- Food, other necessities, inflationary trends, action to curb, petitioned, SJM 130.
- Funds, state applications, progress reports, OPPFM notification provisions, *SB 2516(a), CH. 17.
- Grant-in-aid programs, cities, towns participation authorized, SB 2843, 2nd Sub SB 2843.
- Highways, rights of way, sewer, waterfront facilities, relocation costs, federal share, payment provision, HB 457.
- Public assistance, federal supplemental security income program, state participation, *HB 1075(a), CH. 10.
- Public health hospital, Seattle, funding, remain open, petitioned, SJM 118.
- Railroads, merger, Milwaukee road, Burlington Northern system, prevention petitioned, SJM 123.
- Seattle/King county alcohol safety action project, two year extension, funding petitioned, SJM 120.
- Smith, Dr. Pat, Viet Nam program, success, assistance petitioned, SJM 110.
- State auditor, state agency performance audits, requirement compliance, authorized, SB 2326(a).
- Tacoma spur, national system of interstate highways, addition petitioned, Sub SJM 107.
- Tussock moth, damage prevention, DDT use authorization petitioned, SJM 129.

FEES:

- Attorney, eminent domain proceedings, reasonable fees, determination factors defined, SB 2399.
- Auto stages, for-hire vehicles, less than 25 seats, 30 day special permit, provision, Sub SB 2787.
- 6-25 seats, maximum gross weights, additional, fees provisions, Sub SB 2787.
- Court reporters, examination, certification, SB 2248(a).
- Hospitals, nursing homes, labor relations, arbitrators, SB 2110.
- Professional, business, occupational, licenses, various associated fees establishment provisions, SB 2943.
- Secretary of state, summons service fee, registered agent, increased, SB 2475.
- Trucks, tractors, overlegal loads, fee schedules, revised, Sub SB 2583, 2nd Sub SB 2583.

FELTHOUS, ROBERT A.:

- Aeronautics commission, member, GA 85, p. 67

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- Puget Island, operation, appropriation, *Sub SB 2956, CH. 39 PV.
- Operation fund increase authorized, *SB 2954, CH. 26.
- Toll bridge authority, ferry system operation, supplemental appropriation, *SB 2965, CH. 28.

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- Amusement games, city, town, community festivals, authorized, *2nd Sub HB 487(a), CH. 41 PV.

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- Appointed public officials, areas over 30,000 population, financial disclosure requirements, inclusion provisions, SB 2697(a).

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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Alien banks, establishment, operation, regulation, provisions, SB 2674.

FIREMEN:

Murder, death penalty, mandatory, SB 2077(a).

Volunteer, membership, benefits, city, town officials authorized, SB 2989.

FIRE PROTECTION:

Districts, support, service charge, imposition authorized, SB 2099, Sub SB 2099, SB 2938.

FIRES:

Buildings, improvements, destroyed by fire, demolished, tax liability adjustment provisions, SB 2976.

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Closure, economic impact, offset provisions, *Sub SB 2603, CH. 37 PV.

FISCAL MANAGEMENT:

State auditor, state agency practices, recommendations authorized, SB 2326(a).

FISH AND FISHING:

Dogfish, fish food production, feasibility study, *SB 2952, CH. 25.

Salmon, commercial fishing, licenses, number limitation, decreased, SB 2940.

Smelt, dealers, commercial, license required, SB 2939.

FISHERIES:

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

FLOOR RESOLUTIONS—SENATE—Continued:

- Senate bills, standing committee referrals, *SFR 149.
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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

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** Appointment confirmed.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

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SFR—Senate Floor Resolution.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

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(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

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(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

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- * Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
- ** Appointment confirmed.
- GA—Governatorial Appointment.
- SFR—Senate Floor Resolution.
- (a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA--Governatorial Appointment.

SFR--Senate Floor Resolution.

(a)--Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA—Governatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA--Gubernatorial Appointment.
 SFR--Senate Floor Resolution.
 (a)--Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- * Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
- ** Appointment confirmed.
- GA—Gubernatorial Appointment.
- SFR—Senate Floor Resolution.
- (a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Diking district commissioners, meeting attendance, compensation provisions, SB 2584(a).
- Industrial welfare committee, wages, hours, conditions of employees, investigative duties, SB 2463, *Sub SB 2463, CH. 16.
- Initiative 282, elected state officials, provisions implemented, SB 2948.
- Judges, justice courts, part time, increased, SB 2540.
- Pro tempore, salary, expense, remuneration established, SB 2140(a).
- Legislature, size reduced, redistricted, sessions, salaries, provisions, SJR 142.
- Public officials, state elective, increase annulled, SB 2951.
- Initiative 282 provisions implemented, SB 2948.
- State officials, appointive, certain additional, duties, salary committee study, SB 2324.
- Elective, compensation, pay board recommendations, voter referral provisions, SJR 139.
- Proposed changes, referendum provisions, SB 2988.
- Students, school employees, wage deductions, OASI purposes, exempt, SB 2404.
- Teachers, school, compensation schedule, comprehensive plan development, SCR 104.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

SALES (see also Taxes):

- Addicts, drug, voluntary rehabilitation program participation, selling offenses immunity, *Sub HB 323, CH. 2.
- Controlled substances, sale, illegal, mandatory sentences, *Sub HB 323, CH. 2.
- Food, possible injury cause, food, drugs, cosmetics, sale embargo, SB 2492.
- Food stamps, purchases, resale, crime, *Sub HB 221, CH. 6.
- Tax, wine, repealed, gallonage tax imposed, SB 2866(a).
- Unit pricing, grocery stores, regulations, HB 1026(a).

SALMON:

- Fishing, commercial, licenses, number limitation, decreased, SB 2940.

SANCHEZ, ROD:

- Mexican-American affairs commission, member, GA 114 p. 73

SANDISON, SENATOR GORDON:

- Western interstate commission for higher education, member, GA 113 p. 72

SCENIC HIGHWAYS (see Highways):

SCHOOL DISTRICTS:

- Financial aid, school districts, equalized, property tax relief provisions, SB 2958, *HB 1128(a), CH. 33 PV.
- First class, AA counties, student population, number requirement reduced, *SB 2915, CH. 21.
- Gifts, grants, personal and real property, acceptance authorized, SB 2964.
- Institutional education programs, biennial review, recommendations, SCR 111.
- Intermediate, boards, elections, duties, general revisions, SB 2392(a).
- Physical plants, funding methods, study, SB 2392(a).
- Levies, fund losses, income tax implementation, state aid provisions, *SB 2960, CH. 27.
- Special, excess, imposition restrictions, elimination, income tax implementation bill provisions, *Sub SB 2102, CH. 35 PV.
- Reforestation lands, proceeds, county disposition, allocations, provisions, SB 2480.
- School districts, financial equalization aid, property tax relief, provisions, SB 2958, *HB 1128(a), CH. 33 PV.
- State support, school districts, equalized financial aid, property tax relief, provisions, SB 2958, *HB 1128(a), CH. 33 PV.
- 95% average amount per student, guarantee, *HB 189(a), CH. 4.
- Teachers, retirement system, membership, credits, benefits, general revisions, HB 419, SB 2385(a).
- Third class, boards, class change, membership size, election procedures, provisions, SB 2307.

SCHOOLS:

- Buses, restricted, load roads, use, closed by weather conditions, reduced speeds, provisions, *SB 2410(a), CH. 15.
- Chinese medicine, establishment authorized, regulation, SB 2949.
- Districts, third class, boards, class change, membership size, election procedures, provisions, SB 2307.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

SCHOOLS—Continued:

- Employees, disputes, professional negotiations department, superintendent of public instruction office, created, duties, HB 979(a).
- Financing, support, new system, teacher compensation schedule, comprehensive plan development, SCR 104(a).
- Students, learning difficulties, screening program, elementary schools, study, SCR 127(a).
- Teachers, common schools, citizenship requirement removed, SB 2118(a).

SEACOAST (see Shorelands and Shorelines, also Tidelands):

SEATTLE:

- Alcohol safety action project, two year extension, funding, petitioned, SJM 120.
- Public health hospital, funding, remain open, petitioned, SJM 118.

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- Certification of members pp. 16-18
- Constitutional amendments, notice, publication, additional explanatory information, SB 2421 (a).
- Corporations, registered agent, summons service fee increased, SB 2475.
- Transmittal of governor's proclamation, second extraordinary session, forty-third legislature p. 2
- Transmittal of partial vetoes, vetoed bills from first extraordinary session, forty-third legislature p. 21

SECRETARY OF THE SENATE (see also Snyder, Sidney R.):

- Approval of expenditures, *SFR 158 pp. 277-278
- Completion of work after adjournment, *SFR 158 pp. 277-278
- Courtesies extended, former, *SFR 147 p. 19
- Executive vouchers, legislative expenses with president or president pro tempore of senate, *SFR 148 p. 20
- Interim work, *SFR 158 pp. 277-278
- Journal preparation, *SFR 158 pp. 277-278
- Sidney R. Snyder, retained, *SFR 145 pp. 18-19

SEDRO WOOLLEY:

- Northern state hospital, closure, economic impact, offset provisions, Sub SB 2603.

SEEDS:

- Grass, turf, burning, seed production purposes, alternate methods, study, SCR 110(a).

SENIOR CITIZENS:

- Taxes, real property, exemption, federal retirees, effective date, SB 2955.

SENTENCES (Penal):

- Controlled substances, sale, illegal, mandatory sentences, *Sub HB 323, CH. 2.
- Municipal courts, punishment assessment, justices authority, provision, SB 2161.

SERGEANT AT ARMS (see also JOHNSON, CHARLES, L. R.):

- Charles L. R. Johnson, retained, *SFR 145 pp. 18-19

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

SEWER DISTRICTS:

Water, sewer districts, located within more than one city, propositions, voting provisions, SB 2262.
Storm surface, authority, services, combined charges, provisions, SB 2572(a).

SEWERS AND SEWERAGE:

Districts, located within more than one city, propositions, voting provision, SB 2262.
Highways, rights of way, facilities relocation costs, federal share, payment provision, HB 457.

SEXES:

Industrial welfare, equal provisions, all individuals, SB 2463, *Sub SB 2463, CH. 16.

SHEPHERD, RUTH:

Council on higher education, member, GA 162 p. 83

SHIPS (see Boats and Ships):

SHORELANDS AND SHORELINES (see also Waters, also Tidelands):

Baselines studies program, oil pollution prevention purposes, *SB 2978, CH. 30.
Developments, permit applications, review petitions, temporary stays, provisions, *SB 2657(a), CH. 19.
Lake Washington, I-90, construction, modifications, review proceedings, termination, wait not required, *SB 2657(a), CH. 19.
Shorelines hearing board, administrative practice, procedure, rules, regulations, adoption provision, SB 2914(a).
State, conveyance, municipal park purposes, provisions revised, SB 2946.

SIGNATURES:

Initiatives, referendums, petitions, privileged information, SB 2971.
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SINE DIE (see Legislature):

SISTER STATE:

Hyogo prefecture, 10th anniversary, congratulated, SCR 130.

SKI LIFTS:

Conveyances, ski activities, certification, inspection, regulations, Sub SB 2662(a).

SMELT:

Dealers, commercial, license required, SB 2939.

SMITH, I. L.:

Walla Walla community college district No. 20 board, trustee, GA p. 82

SNAKE RIVER:

Bridge construction, between Lewiston to Clarkston, appropriation petitioned, SJM 106.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

SNYDER, SIDNEY R. (see also Secretary of the Senate):

- Approval of expenditures, *SFR 158 pp. 277-278
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 Interim work, *SFR 158 pp. 277-278
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SOCIAL AND HEALTH SERVICES DEPARTMENT:

- Mentally ill, involuntary detainment outside faculty, county financial responsibility standards, determination, *SB 2947, CH. 24.
 Programs, certain, services, payments increased, appropriation, SB 2992.
 Public assistance, federal supplemental security income program, state participation, *HB 1075(a), CH. 10.
 U.S. health, education and welfare department, attorney general DSHS claims action funding, appropriation, HB 499(a).

SOCIAL SECURITY:

- Public assistance, federal supplemental security income program, state participation, *HB 1075(a), CH. 10.

SOCIAL WORK:

- Masters degree, Eastern Washington state college, program established, appropriation, SB 2574.

SOLICITATIONS:

- Charitable organizations, full disclosure, facts relating to persons, organizations, purposes, actual uses, required, SB 2994.

SORENSEN, HOWARD:

- Highway commission, member, GA 106 p. 71

SORIANO, LOUIS:

- Community college education board, member, GA 88 p. 67

SOULE, RAYMOND L.:

- Olympic community college district No. 3 board, trustee, GA 137 p. 77

SPORTS:

- Franchises, contracts, private nongovernmental, ad valorem tax exemption, HB 1006.
 Ski activity conveyances, certification, inspection, regulations, Sub SB 2662(a).

SPRUCE CANYON YOUTH CAMP:

- Closure, economic impact, offset provisions, Sub SB 2603.

STADIUM:

- Multipurpose, committee, study, recommendation, *SFR 157 pp. 269-270

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

STAMPS:

Food, resale, crime, *Sub HB 221, CH. 6.

STATE AUDITOR:

Governmental associations, periodic audit, SB 2979.

State agencies, fiscal management practices, recommendations authorized, SB 2326(a).

Performance audits, federal government requirement compliance authorized, SB 2326(a).

STATE COMMITTEE ON SALARIES:

Officials, state appointive, certain additional, duties, salaries, study, SB 2324.

STATE GOVERNMENT:

Appropriations, operations capital improvements, 1973-75 biennium, SB 2956, *Sub SB 2956, CH. 39 PV.

Omnibus, 1973-75 biennium, Sub SB 2104(a).

Budget, operations, appropriations, title only, HB 499(a).

Omnibus appropriation, 1973-75 biennium, Sub SB 2104(a).

Congressional acts, required state committees, councils, expenses, legislative appropriation provision, *SB 2516(a), CH. 17.

Constitutional amendments, multiple portions, revisions, permitted, HJR 31.

Criminal justice, education and training standards board, created, duties, SB 2132, Sub SB 2132.

Criminal justice training commission created, appropriation, SB 2132, Sub SB 2132.

Energy, electrical, petroleum fuel, study, state agency use reduction, SB 2966.

Federal funds, state agency applications, progress reports, OPPFM notification provisions, *SB 2516(a), CH. 17.

Funds, time deposits, interest, U.S. treasury six month bill auction basis, HB 1047(a).

Gambling licensing, regulation, exclusive authority, state preemption, *2nd Sub HB 487(a), CH. 41 PV.

Hearing aid council, motor vehicles department, created, Sub SB 2059.

Highway commission, operations, capital improvements, 1973-75 biennium, SB 2328.

Holidays, Memorial day, Veterans' day, date changed, *HB 356, CH. 1 (Veto overridden).

Institutions, facilities closures, economic impact, offset provisions, SB 2603, *Sub SB 2603, CH. 37 PV.

Labor and industries department, employment standards supervisor, women in industry supervisor name changed, SB 2463, *Sub SB 2463, CH. 16.

Legal services, attorney general, state agency actual cost, allocation provision, SB 2329.

Legislative auditor, appointment, authorized, duties, SB 2345(a).

Massage examining board, created, motor vehicle department, Sub SB 2473.

Naturopathic physicians, disciplinary board, created, duties, Sub 2186.

Oceanographic commission, membership increased, changed SB 2602.

Officials, appointed, financial disclosure, annual statements, filing required, SB 2697(a).

Recall charges, detailed complaint descriptions, requirement, SB 2678(a).

Omnibus operations, appropriation, 1973-75 biennium, Sub SB 2104(a).

Public employees' retirement system, membership, benefits, cost of living factors, contributions, general revisions, SB 2387.

Salary committee, certain additional appointive officials, duties, salaries study, inclusion, SB 2324.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

STATE GOVERNMENT—Continued:

- Schools, financing, support, new system, teacher compensation schedule, comprehensive plan development, SCR 104(a).
- State agencies, boards, commission, councils, creation, combining by governor prohibited, referendum provision, SB 2980.
- Buildings, lighting reduction, SCR 138.

STATE PATROL:

- Children, surviving, students, under 21, retirement system benefits, SB 2112(a) VETOED, *Sub SB 2387, CH. 14.
- Disability, non-service incurred, benefits, amount reduction provision, *SB 2659(a), CH. 20.
- Red lights, vehicles, requirement removed, *SB 2944, CH. 22.

STEPCHILDREN:

- Support, obligation, ceases with separation or divorce, SB 2973.

STRAUSZ, ROBERT W.:

- Washington state university board of regents, member, GA 130 p. 76

STREAMS (see Rivers and Streams):

STREETS:

- Motor vehicles uniform code, conformity, provisions, SB 2085, Sub SB 2085(a).
- Parking, off-street facilities, Chapter 204, Laws of 1969 extraordinary session, codification provision, SB 2073.

STUDENTS:

- Exchange compact, western interstate commission for higher education, program coordination, planning provisions, Sub SB 2120.
- First class school districts, AA counties, population number requirement reduced, *SB 2915, CH. 21.
- Learning difficulties, screening program, elementary schools, study, SCR 127(a).
- State patrolmen retirement, surviving children, under 21, benefits, *SB 2112(a), VETOED, *Sub SB 2387, CH. 14.

STUDIES:

- Baseline program, marine, waters, shorelines, oil pollution prevention purposes, *SB 2978, CH. 30.
- Dogfish, fish food production, feasibility study, *SB 2952, CH. 25.
- Elections, procedures, various aspects, SCR 129(a).
- Energy, electrical, petroleum fuel, state agency use reduction, SB 2966.
- Food, other necessities, inflationary trends, action to curb, petitioned, SJM 130.
- Grass, turf burning, seed production purposes, alternate methods, study, SCR 110(a).
- Intermediate school districts, physical plants, funding methods, SB 2392(a).
- Rivers, wild, scenic, recreational system establishment, HB 582(a).
- Salary committee, state appointive officials, certain additional duties, salaries, SB 2324.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

SUBSISTENCE (see also Salaries and Wages):

Congressional acts, required state committees, councils, expenses, legislative appropriation provision, *SB 2516(a), CH. 17.

SUMMONS AND PROCESS:

Corporations, registered agent, secretary of state, fee increased, SB 2475.

SUPERINTENDENT OF PUBLIC INSTRUCTION:

Institutional education programs, biennial review, recommendations, SCR 111.

Professional negotiations department, created, duties, HB 979(a).

School, financing, support, new system, teacher compensation schedule, comprehensive plan development, SCR 104(a).

Teachers' retirement system, membership, credits, benefits, provisions, SB 2963, *HB 1121(a), CH. 32.

SUPERIOR COURTS:

Juries, selection, electronic data processing system, use provisions, *SB 2300(a), CH. 13.

Justice court judgments, enforcement provisions, SB 2974.

SUPREME COURT:

Justices, number reduced to 5, SB 2987.

SURETY BOND (see Bonds):

SURVIVAL OF ACTIONS:

Beneficiaries, pain, suffering damages, personal representative, recovery provision, SB 2189.

SYMBOLS:

Handicapped, certain public buildings, display provision, SB 2941.

TAGS:

Identification, mobile homes, requirement, issuance, provisions repealed, SB 2067.

TALLEY, SENATOR DON:

Committee membership change, from transportation and utilities to social and health services, *SFR 145 pp. 18-19

TANIGUCHI, TED:

Pharmacy board, member, GA 127 p. 75

TAXES:

Alcoholic beverages, sales tax, reduced. SB 2555(a).

Assessments, special, retired persons' residences, payment deferral authorized, SB 2981.

Buildings, improvements, destroyed by fire, demolished, liability adjustment provision, SB 2976.

Excise, lodgings, convention center facilities, construction funding, use authorized, *SB 2494, CH. 34 PV.

Income, implementation, school levy fund losses, state aid provisions, *SB 2960, CH. 27.

Implementing bill, definitions, technical revisions, *Sub SB 2102, CH. 35 PV.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

TAXES—Continued:

- Residence tenants, credit provision, *Sub SB 2102, CH. 35 PV.
- Junior taxing districts, county levies reduced, incomplete cyclical revaluation reasons, proportional reductions, HB 446(a).
- Levies, excess, school, relief, financial equalization aid, provisions, SB 2958, *HB 1128(a), CH. 33 PV.
- Special elections, voter majority provisions, revised, SB 2102.
- Property limitation, millage allocation, SB 2102, Sub SB 2346(a).
 - Tuberculosis,
 - public health, mental health purposes, amount reduced, *HB 189(a), CH. 4.
 - State, County, district refunds, adjustment procedures, *HB 190(a), CH. 5.
 - Mass refund, adjustment, county property tax remittance deductions authorized, *HB 190(a), CH. 5.
- Livestock, personal property assessment, monthly average holdings basis, HB 1011.
- Mobile homes, identification tags, issuance, requirement, provisions repealed, SB 2067.
- Property, churches, non-profit organizations, exemptions, general revisions, *Sub SB 2959, CH. 40.
- Cyclical revaluation incomplete, levy value increase limitation not applicable, HB 446(a).
- Exemptions, title only, SB 2959.
- Fire protection districts, support, service charge, imposition authorized, SB 2938.
- Levies, excess, relief, school financial equalization aid, provisions, SB 2958, *HB 1128(a), CH. 33 PV.
- Levy limitation, millage allocation; SB 2101, Sub SB 2346(a).
- Personal, livestock, assessment, monthly average holdings basis, HB 1011.
 - Omitted, assessed value reporting required, *HB 706(a), CH. 8.
- Real, retired persons' residences, special assessments, payment deferral authorized, SB 2981.
 - Senior citizens, exemptions, income basis, schedule established, SB 2972.
 - Federal retirees exemption, effective date provision, SB 2955.
 - Retired, under \$6000 income, excess levies exemption, SB 2002.
- Title only, HB 446(a).
- Sales, alcoholic beverages, reduced, SB 2555(a).
- School districts, excess levies, relief, financial equalization aid, provisions, SB 2958, *HB 1128(a), CH. 33 PV.
- School levies, restrictions, elimination, income tax implementation bill provision, *Sub SB 2102, CH. 35 PV.
- Sport, athletic franchises, contracts, private nongovernmental, ad valorem tax exempt, HB 1006.
- Transit system, county funding, similarity taxes prohibited, SB 2975.

TEACHERS:

- Citizenship, common schools, requirement removed, SB 2118(a).
- Professional negotiations department, superintendent of public instruction office, created, dispute duties, HB 979(a).
- Retired, return to service, system membership restoration provisions, SB 2957, *HB 1121(a), CH. 32.
 - Special pension benefits, certain former members not receiving social security, SB 2963, *HB 1121(a), CH. 32.
- Retirement system, former members, benefits increase, appropriation, SB 2956.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

TEACHERS—Continued:

- Legislators, superintendent of public instruction, membership benefits, SB 2963, *HB 1121(a), CH. 32.
- Membership, credits, benefits, general revisions, SB 2385(a), SB 2963, *HB 1121(a), CH. 32.
- Payment dates, state officials membership, service credits, membership restoration, general provisions, *HB 1121(a), CH. 32.
- Retired teachers, return to service, membership restoration provisions, SB 2957, *HB 1121(a), CH. 32.
- Retirement allowance, initial date of payment, retroactive date provision, *HB 1121(a), CH. 32.
- Special pension benefits, former members not receiving social security, *HB 1121(a), CH. 32.
- School, compensation schedule, comprehensive plan development, SCR 104(a).

TECHNOLOGY:

- Education, clearinghouse study, higher education council, duties, Sub SB 2120.

TENANTS (see Landlords and Tenants):

TENNEY, ROBERT:

- Tax appeals board, member, GA 133 p. 76

TIDELANDS (see also Shorelands and Shorelines, also Waters):

- Parks, recreation purposes, public, state gift provision, Sub SB 2374(a).
- State, conveyance, municipal park purposes, provisions revised, SB 2946.

TIJERINA, ADAN FARIAS:

- Mexican-American affairs commission, member, GA 124 p. 75

TIME:

- Daylight saving, permanently established, SB 2950.

TITLE ONLY BILLS:

- Elections, SB 2910.
- Legislative redistricting, SB 2366.
- Property taxes, exemptions, SB 2959.
- Utilities, SB 2731.

TRAFFIC CONTROL:

- Accidents, motor vehicle, citation issuance, probable ground basis, SB 2058(a).
- Motor vehicle suspension systems, alteration, prohibited, Sub SB 2264.
- Roads, highways, vehicles, definitions, uniformity provisions, SB 2456(a).

TRAIL BIKES (see Motorcycles and Motorbikes):

TRAILERS (see Trucks and Tractors, also Mobile Homes):

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 ** Appointment confirmed.
 GA—Governatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

TRANSPORTATION (see also Mass Transportation):

Corridor parking facilities, highway commission land acquisition, construction, provisions, *SB 2642, CH. 18.

Highways, program, projects, expenditures, reporting, priorities, provisions, *SB 2136(a), CH. 12.

TRAVEL:

Congressional acts, required, state committees, councils, expenses, legislative appropriation provision, *SB 2516(a), CH. 17.

Marine employees commission members, per diem, travel compensation, provision, SB 2245(a).

TRAYLOR, MERLIN:

Emergency medical and ambulance review committee, member, GA 92 p. 68

TREES (see also Forest and Forestry):

Douglas fir, tussock moth, damage prevention, DDT use authorization, petitioned, SJM 129.

TRUCKS AND TRACTORS:

Fee schedule, overlegal loads, revised, Sub SB 2583. 2nd Sub SB 2583.

Fuel, milk, emergency vehicles, restricted load roads, closed by weather conditions, use, reduced speeds, provisions, *SB 2410(a), CH. 15.

Trucks, stolen, manufacturer's serial number, altered, destroyed, rightful owner, return, disposal, provisions, SB 2416.

TUBERCULOSIS:

Hospital district, county levy, amount reduced, *HB 189(a), CH. 4.

TUSSOCK MOTH:

Douglas fir damage prevention, DDT use authorization petitioned, SJM 129.

UNEMPLOYED (see Unemployment Compensation, also Employees, also Employers):**UNEMPLOYMENT COMPENSATION:**

Part-time employees, benefits increased, SB 2221, *HB 458, CH. 7.

Reemployment, refusals, report, employment security department, required, SB 2669(a).

UNIFORM LABOR PRACTICES (see Labor):**UNIT PRICES:**

Grocery stores, regulations, HB 1026(a).

UNIVERSITIES (see Colleges and Universities):**UTILITIES** (see Public Utilities):**UTILITIES AND TRANSPORTATION:**

Transportation, utilities, various subjects, studies, Sub SB 2731.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

VACATION:

State employees, leave days, computation, calendar year basis, SB 2497.

VALUABLE CONSIDERATION:

Lotteries, coupons, blanks received in mail, valuable consideration definition, deleted, *2nd Sub HB 487(a), CH. 41 PV.

VARIANCES:

Air pollution, ecology department, approval authority, SB 2969.

Energy producing plants, air pollution control standards, temporary variances authorized, SB 2968.

VESSELS (see Boats and Ships):

VETERANS:

Bonus, eligibility, beneficiaries, provisions revised, SB 2017(a).

Relief fund, county level, range reduced, *HB 189(a), CH. 4.

VETERANS' DAY:

Holiday date changed, *HB 356, CH. 1 (Veto overridden).

VETOES:

Bills, vetoed, partial vetoes, first extraordinary session, forty-third legislature, transmitted to senate by secretary of state p. 21
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 Override, Sub HB 323 p. 274
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 Senate committee on natural resources, no action taken on veto of SB 2198 . . . p. 159
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VICE PRESIDENT PRO TEMPORE (see also Keefe, Senator James E.):

Senator James E. Keefe, retained, *SFR 145 pp. 18-19

VILLANEUVA, THOMAS:

Mexican-American affairs commission, member, GA 123 p. 74

VOTERS AND VOTING (see also Elections):

Absentee ballots, issuance, future election use provision, SB 2429.

Precincts less than 100 voters, issuance, use, provisions, SB 2429.

Constitutional amendments, notice publication, additional explanatory information, SB 2421(a).

Elections, special, excess levies, voter majority provisions, revised, SB 2102.

Initiatives, referendums, noncharter counties, voter proposals, approvals, provisions, SB 2143, Sub SB 2143.

Levies, excess, special election, voter majority provisions, revised, SB 2102.

Precinct committeemen election, absentee voting provision, SB 2235(a).

Water, sewer districts, located within more than one city, propositions, voting provisions, SB 2262.

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

WAGES (see Salaries and Wages):

WAHIAKUM COUNTY:

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Operation fund increase authorized, *SB 2954, CH. 26.

WALGREN, SENATOR GORDON L.:

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WARREN, THOMAS C.:

Wenatchee Valley community college district no. 16 board, trustee, GA 151 p. 80

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WASHINGTON STATE UNIVERSITY:

Grass, turf burning, seed production purposes, alternate methods, study, appropriation, SCR 110(a).

WASTE DISPOSAL (see Pollution):

WATER DISTRICTS:

Sewer, water districts, located within more than one city, propositions, voting provisions, SB 2262.

WATERS:

Baseline, studies program, oil pollution prevention purposes, *SB 2978, CH. 30.
Districts, located within more than one city, propositions, voting provision, SB 2262.
Highways, rights of way, facilities, relocation costs, federal share, payment provision, HB 457.
Lake Washington, I-90 construction, modifications, review proceedings termination, wait not required *SB 2657(a), CH. 19.
Rivers, wild, scenic, recreational, system establishment, studies, HB 582(a).
Shoreline developments, permit applications, review petitions, temporary stays, provisions, *SB 2657(a), CH. 19.
Streams, flow, emergency alterations, riparian owners, provision, SB 2825.
Wild, scenic, recreational, system interdepartmental committee established, management policy development provisions, HB 582(a).

WELFARE (see Public Assistance):

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION:

Student exchange compact, program coordination, planning, higher education council, provisions, Sub SB 2120.

WILDLIFE:

Animals, certain, unlawful killing, hunting license loss provision, SB 2006(a).

* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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* Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



SENATE JOURNAL
of the
Third Extraordinary Session
Forty-Third Legislature
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, the State Capital

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



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AL HENRY, *President Pro Tempore*
JAMES E. KEEFE, *Vice President Pro Tempore*

THIRD EXTRAORDINARY SESSION

Convened January 14, 1974
Recessed February 13, 1974
Reconvened April 15, 1974
Adjourned Sine Die April 24, 1974

SENATE CAUCUS OFFICERS

DEMOCRATIC CAUCUS

ROBERT C. BAILEY, *Chairman*
GEORGE FLEMING, *Vice Chairman/Secretary*
AUGUST P. MARDESICH, *Floor Leader*
GORDON L. WALGREN, *Majority Whip*

REPUBLICAN CAUCUS

R. FRANK ATWOOD, *Chairman*
JIM MATSON, *Vice Chairman/Secretary*
HARRY B. LEWIS, *Floor Leader*
CHARLES NEWSCHWANDER, *Assistant Floor Leader*
GEORGE SCOTT, *Minority Whip*

BILL GLEASON, *Assistant Secretary*
CHARLES L. R. JOHNSON, *Sergeant at Arms*
FLORENCE T. KENDERESI, *Secretary to the Secretary*
VERNE SAWYER, *Reader*
DOROTHY GREELEY, *Minute Clerk*

JOURNAL OF THE SENATE

STATE OF WASHINGTON

THIRD EXTRAORDINARY SESSION of the FORTY-THIRD LEGISLATURE

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, January 14, 1974.

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 Durkan, Francis and Woodall. On motion of Senator Knoblauch, Senator Durkan was excused. On motion of Senator Scott, Senator Woodall was excused. On motion of Senator Fleming, Senator Francis was excused.

The Color Guard, consisting of Pages Dave Larsen and Roxanne White, presented the Colors. Reverend Howard Perry, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR HEAVENLY FATHER WHO HAS GIVEN US THIS GOOD LAND FOR OUR HOME AND HAS SET IT IN THE HEARTS OF THE PEOPLE OF THIS NATION AND THIS STATE TO LIVE WITH EACH OTHER UNDER THE RULE OF LAW, LOOK WITH YOUR FAVOR, O LORD, OUR GOD, UPON THOSE TO WHOM WE ENTRUST THE AUTHORITY OF GOVERNMENT. WE PRAY ESPECIALLY FOR THE GOVERNOR OF THIS STATE, FOR THE MEMBERS OF THIS SENATE AND FOR THOSE WHO SERVE IN THE HOUSE OF REPRESENTATIVES. MAY THEY BE TEMPERATE IN THEIR JUDGMENT, REMEMBERING THAT THEY SERVE ALL THE PEOPLE. DELIVER US, O GOD, FROM THE BLINDNESS OF HEART THAT LEADS TO THE TYRANNY OF EVIL MEN AND FROM THE WEAKNESS OF WILL THAT LEADS TO THE TYRRANY OF CORRUPT INSTITUTIONS. HELP US TO PROVE OURSELVES A PEOPLE WHO ARE GLAD TO DO YOUR WILL, KNOWING THAT IN YOUR WAY WE SHALL FIND THE TRUTH THAT LEADS TO LIFE. FORGIVE US OUR FAULTS AND GRANT THAT ALTHOUGH WE AT TIMES MAY BE WEAK WE MAY ALWAYS TRUST IN YOUR STRENGTH AND DEPEND UPON YOUR LOVE. GLORY BE TO THEE, O LORD GOD OF THE UNIVERSE, WHO DOES MAKE YOUR HOME IN THE HEARTS OF MEN AND OF WOMEN. WE WILL PRAISE YOU AND MAGNIFY YOU FOREVER. AMEN."

PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, the President at this time should like to extend a gracious greeting to each of you and a warm welcome to our two newest members, the Honorable Ruthe Ridder who is now hanging her coat in the Senate lounge, and Senator von Reichbauer who is also with us, and to offer a note of condolence to Senator von Reichbauer for the demise of the Alabama team on that sad Monday night.

"The President believes that every member of the Senate will join with him in expressing appreciation to the Honorable Sid Snyder and his staff for the wonderful effort they have extended in making every preparation necessary for an efficient beginning of this extraordinary session. I believe that you will realize if you stop a moment to think that it is a tremendous task and that Sid and his group perform it in excellent fashion, in fact a superior fashion."

MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, January 14, 1974.

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

MR. PRESIDENT:

I, A. Ludlow Kramer, Secretary of State of the state of Washington and custodian of the Seal of said State, do hereby certify that: I have carefully compared the annexed copy of a proclamation by the Governor calling an extraordinary session of the Legislature to convene on the 14th day of January, 1974, with the original copy of said proclamation now on file in this office, and find the same to be a full, true and correct copy of said original, and the whole thereof, together with all official endorsements thereon.

In Testimony Whereof, I have set my hand and affixed hereto the seal of the state of Washington. Done at the Capitol at Olympia on this the date of January 14, 1974.

A. LUDLOW KRAMER, Secretary of State.

(Seal of the state of Washington)

PROCLAMATION BY THE GOVERNOR

Office of the Governor.

In my proclamation dated August 21, 1973 convening an extraordinary session of the legislature in September, I listed a number of subjects of critical concern which required action by the Legislature. While the Second Extraordinary Session of the 43rd Legislature, by the time of its adjournment on September 15, 1973, had acted on a good number of those subjects, work on significant legislation vital to our citizens remains to be completed. In addition, we are now aware of the gravity and extent of the energy crisis which goes far beyond the electric power shortages existing at the time of the September session, for which legislation must be enacted to meet its broadening impact.

More specifically, the areas of major concern to which the Legislature must direct its attention are:

1. *Energy Crisis*. An extension of the emergency powers in the area of electric consumption and usage granted to the Governor in the September session is crucial so that our state can meet the crisis caused by shortages in oil and other fuels.
2. *Department of Transportation*. Now, more than ever, this state must address itself to the problem of integrated transportation planning beyond our traditional ties with the personal automobile and highways. Shortages of gasoline have put a glaring focus on the need for a statewide planning and administrative structure to preserve and to further technical competence in the area of transportation.
3. *Public Transportation Funding*. Legislation now pending designed at revising the gasoline tax structure in order to make possible funding of public transportation systems must be passed to help alleviate the short and long-term problems created by fuel shortages.

4. *Statewide Land Use Planning.* Legislation in this area is critically needed at this time not only on the merits of the issue, but also in light of imminent action in Congress on national land use control and management legislation. Our state must be prepared with the proper mechanism in the area of land use planning and management or risk the loss of substantial control to the federal government.
5. *Supplemental State Budget.* Supplemental appropriations and budget adjustments are needed to ensure that vital state programs are adequately funded throughout the remainder of the biennium.

In addition to the subjects above listed, the Legislature should also deal with: (1) Significant questions and needs in the area of state and local relations; and (2) Determination of a proper forest excise tax rate.

As a result of the foregoing matters which have not been attended to, an emergency exists constituting an extraordinary occasion within the meaning of Article III, Section 7 of the Constitution of the State of Washington.

NOW, THEREFORE, I, Daniel J. Evans, Governor of the State of Washington, by virtue of the authority vested in me by the Constitution, do hereby convene the Legislature of the State of Washington in Extraordinary Session in the Capitol at Olympia on the fourteenth day of January, A.D. 1974, at the hour of nine o'clock a.m., and

I DO HEREBY SPECIFY, in accordance with the requirements of the Constitution that the purposes for which the Legislature is convened are:

To appropriate sufficient funds and raise sufficient revenues to carry on the necessary functions and services of state government; and

To consider the enactments of the several other measures specified above for the benefit of the people of the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 18th day of December, A.D. Nineteen Hundred and Seventy-Three.

DANIEL J. EVANS
Governor of Washington.

BY THE GOVERNOR:
A. LUDLOW KRAMER
Secretary of State.

(Seal of the State of Washington)

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor to escort the Honorable Hugh J. Rosellini, Justice of the Supreme Court of the State of Washington to the Senate Chamber and a seat upon the rostrum. The committee consisted of Senators Marsh, Twigg and Woody.

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed Senators Guess, Donohue and Rasmussen to escort the Honorable Ruthe Ridder to the bar of the Senate. The Honorable Hugh J. Rosellini, Justice of the Supreme Court, administered the oath of office to Senator Ridder who was elected to represent the Thirty-fifth District on November 6, 1973.

The committee escorted Senator Ridder to her seat in the Senate Chamber, and the committee was discharged.

PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, Judge Rosellini, the members join with the President in greeting you and thanking you for coming over to help us officiate this morning."

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed Senators Grant, Murray and Walgren to escort the Honorable Peter von Reichbauer to the bar of the Senate. The Honorable Hugh J. Rosellini, Justice of the Supreme Court, administered the oath of office to Senator von Reichbauer who was elected to represent the Thirtieth District on November 6, 1973.

The committee escorted Senator von Reichbauer to his seat in the Senate Chamber, and the committee was discharged.

The special committee consisting of Senators Marsh, Twigg and Woody escorted the Honorable Hugh J. Rosellini from the Senate Chamber, and the committee was discharged.

PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, the Secretary has advised the President that despite Senator Ridder's and Senator von Reichbauer's modest remarks that all privileges of the lounge are extended to you."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Members of the Senate, those of us in the minority would like to welcome Senator Ridder and Senator von Reichbauer this morning into the membership of the Senate. We are wondering with Senator Van Hollebeke sitting on our side whether that is much of an improvement but we recognize and welcome him along with some other illustrious Democratic members to our side and we are hopeful that Senator Ridder and Senator von Reichbauer may receive a member (sic) from Senator Van Hollebeke as to his interest in the minority. But seriously, we do welcome you and want you to know that we look forward to the years ahead in working with you. Welcome to the Senate from the minority."

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed Senators Washington, Peterson (Lowell) and Peterson (Ted) to escort the Honorable John D. Jones to the bar of the Senate. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, administered the oath of office to Senator Jones who was re-elected on November 6, 1973 to represent the Forty-eighth District.

The committee escorted Senator Jones to his seat in the Senate Chamber, and the committee was discharged.

MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, January 14, 1974.

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

MR. PRESIDENT:

I, A. Ludlow Kramer, Secretary of State of the State of Washington, do hereby certify that the following is a full, true and correct list of persons who have been elected to the office of State Senator and have served in the Second Extraordinary Session of the Forty-third Legislature, which adjourned sine die as of September 15, 1973.

LIST OF SENATORS SERVING IN LAST SESSION

<i>District</i>	<i>Name</i>	<i>Counties Represented</i>
No. 1	Ray Van Hollebeke	King, part and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part and Thurston, part
No. 3	James E. Keefe	Spokane, part
No. 4	William S. "Bill" Day	Spokane, part and Whitman, part
No. 5	R. H. "Bob" Lewis	Spokane, part
No. 6	Sam C. Guess	Spokane, part
No. 7	Robert W. Twigg	Ferry, Lincoln, Pend Oreille, Stevens and parts of Okanogan and Spokane
No. 8	Damon R. Canfield	Benton and Yakima, part
No. 9	Hubert F. Donohue	Adams, Asotin, Garfield, and parts of Columbia, Grant and Whitman
No. 10	F. Pat Wanamaker	Island and Snohomish, part
No. 11	Gary Grant	King, part
No. 12	George L. Sellar	Chelan, Douglas and parts of Grant and Okanogan
No. 13	Nat Washington	Kittitas and parts of Grant and Yakima
No. 14	Jim Matson	Yakima, part
No. 15	Perry B. Woodall	Yakima, part
No. 16	Dan Jolly	Franklin, Walla Walla, and Columbia, part
No. 17	Al Henry	Klickitat, Skamania and Clark, part
No. 18	Don L. Talley	Cowlitz, part and Clark, part
No. 19	Robert C. Bailey	Grays Harbor and Pacific, part
No. 20	Gary M. Odegaard	Lewis, Wahkiakum and parts of Cowlitz, Pacific, and Thurston
No. 21	Jack Metcalf	Snohomish, part
No. 22	Harry B. Lewis	Thurston, part
No. 23	Gordon L. Walgren	Kitsap, part
No. 24	Gordon Sandison	Clallam, Jefferson, Mason, and Thurston, part
No. 25	Reuben A. Knoblauch	King, part and Pierce, part
No. 27	Joe Stortini	Pierce, part
No. 28	Charles E. Newschwander	Pierce, part
No. 29	A. L. "Slim" Rasmussen	Pierce, part
No. 31	Gordon Herr	King, part
No. 32	Pete Francis	King, part
No. 33	Frank Connor	King, part
No. 34	R. R. Bob Greive	King, part
No. 36	John Murray	King, part
No. 37	George Fleming	King, part
No. 38	August Mardesich	Snohomish, part
No. 39	Frank Woody	King, part and Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit and Whatcom, part
No. 41	George W. Clarke	King, part
No. 42	R. Frank Atwood	Whatcom, part
No. 43	Jonathan Whetzel	King, part
No. 44	Ted Peterson	King, part
No. 45	Fred H. Dore	King, part
No. 46	George W. Scott	King, part
No. 47	Martin Durkan	King, part
No. 49	Dan Marsh	Clark, part

I further certify that since adjournment, RUTHE RIDDER was elected to the unexpired term, State Senator, 35th Legislative District at the November 6, 1973, State General Election.

I further certify that since adjournment, PETER von REICHBAUER was elected to the unexpired term, State Senator, 30th Legislative District at the November 6, 1973 state general election.

I further certify that since adjournment, JOHN D. JONES was elected to the unexpired term, State Senator, 48th Legislative District at the November 6, 1973 state general election.

I further certify that since adjournment, BOOTH GARDNER has resigned his position as State Senator, 26th Legislative District and that at the time of this certification, no person has been appointed to fill such vacancy.

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., 1974.

A. LUDLOW KRAMER, Secretary of State.

(Seal of the State of Washington)

MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, January 14, 1974.

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

SIR:

I have the honor of herewith submitting a recapitulation of the votes cast at the General Election held throughout the State of Washington on the sixth day of November, 1973, as canvassed by me from the returns made to this department by the respective County Auditors of the State.

Respectfully,

A. LUDLOW KRAMER

Secretary of State

Chief Election Officer, State of Washington.

INITIATIVES AND REFERENDUMS

INITIATIVE MEASURE NO. 282, relating to salaries of certain elective officials:

In favor of 798,338
Against 197,795

REFERENDUM MEASURE NO. 36, relating to minimum legal age for the purchase and consumption of alcoholic beverages:

In favor of 495,624
Against 510,491

REFERENDUM BILL NO. 32, relating to precinct committeemen becoming deputy voting registrars:

In favor of 291,323
Against 609,306

REFERENDUM BILL NO. 33, relating to personalized motor vehicle license plates:

In favor of 613,921
Against 362,195

PROPOSED CONSTITUTIONAL AMENDMENTS

HOUSE JOINT RESOLUTION NO. 22, relating to financing urban developments:

In favor of 246,055
Against 655,125

HOUSE JOINT RESOLUTION NO. 37, relating to a graduated net income tax:

In favor of	228,823
Against	770,033

HOUSE JOINT RESOLUTION NO. 40, relating to a revised formula for validating bond issues:

In favor of	352,495
Against	501,618

MOTION

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

SENATE RESOLUTION 1974-161

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

BE IT RESOLVED, That a committee of three members be named by the President of the Senate to inform the House that the Senate is organized and ready to transact the business of the third extraordinary session of the Forty-third Legislature.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Day, Clarke and Marsh to serve as a committee of three to notify the House that the Senate is organized and ready to transact business.

On motion of Senator Bailey, the appointees were confirmed.

The committee retired to the House of Representatives.

MOTION

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

SENATE RESOLUTION 1974-162

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

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

MOTION

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

SENATE RESOLUTION 1974-163

By Senators Bailey, Atwood, Mardesich and Lewis (Harry):

BE IT RESOLVED, That the state treasurer and budget director be, and they are hereby directed to draw their warrants for payment of the members' subsistence allowance and employees' salaries upon subsistence payrolls which shall be certified to by the President and Secretary of the Senate, and they are hereby authorized and directed to deliver the warrants to the Secretary of the Senate, taking their receipt therefor.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized and directed to provide each member the necessary supplies, equipment and materials required to operate the Senate.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 141, by Senators Bailey, Mardesich, Atwood and Lewis (Harry):

Providing for the reintroduction of legislative measures.

MOTIONS

On motion of Senator Bailey, Senate Concurrent Resolution No. 141 was advanced to second reading and read the second time in full.

On motion of Senator Bailey, Senate Concurrent Resolution No. 141 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE

The special committee appointed to notify the House that the Senate was organized and ready to transact business appeared before the bar of the Senate and reported that the House had been notified.

The report was received and the committee was discharged.

COMMITTEE FROM THE HOUSE

A committee from the House comprised of Representatives O'Brien, Beck and Kopet appeared before the bar of the Senate to notify the Senate that the House was organized and ready to transact business.

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

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2995, by Senators Dore and Stortini:

An Act relating to motor vehicle casualty insurance; creating new sections; and declaring an emergency.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2996, by Senators von Reichbauer, Ridder and Jones:

An Act relating to public records; and amending section 31, chapter 1, Laws of 1973 and RCW 42.17.310.

Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator von Reichbauer, Senators Ridder and Jones were permitted as additional sponsors to Senate Bill No. 2996.

SENATE BILL NO. 2997, by Senator Metcalf:

An Act relating to the duties of the department of fisheries; and amending section 3, chapter 112, Laws of 1949 and RCW 75.08.012.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2998, by Senators Lewis (R. H. "Bob"), Grant, Metcalf, Jones and Canfield:

An Act relating to the Senate; and adding a new section to chapter 44.08 RCW.

Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Jones, Grant, Metcalf and Canfield were permitted as additional sponsors to Senate Bill No. 2998.

SENATE BILL NO. 2999, by Senator Peterson (Ted):

An Act relating to motor vehicles; prohibiting hitchhiking; and amending section 38, chapter 155, Laws of 1965 as amended by section 1, chapter 38, Laws of 1972 ex. sess. and RCW 46.61.255.

Referred to Judiciary Committee.

SENATE BILL NO. 3000, by Senator Grant:

An Act relating to veterans' bonus; and amending section 2, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.020.

Referred to Committee on State Government.

SENATE BILL NO. 3001, by Senator Metcalf:

An Act relating to fur farming; amending section 2, chapter 321, Laws of 1955 and RCW 16.72.010; amending section 4, chapter 321, Laws of 1955 and RCW 16.72.030; and amending section 5, chapter 321, Laws of 1955 and RCW 16.72.040.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3002, by Senators Walgren, Talley, Day, Metcalf and Jones:

An Act relating to state government; authorizing the purchase of products and/or services from sheltered workshops and programs of the department of social and health services which operate rehabilitation facilities serving the handicapped and disadvantaged; and adding new sections to chapter 43.19 RCW.

Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Walgren, additional sponsors were permitted on Senate Bill No. 3002.

SENATE BILL NO. 3003, by Senator Grant:

An Act relating to elections; amending section 29.04.055, chapter 9, Laws of 1965 and RCW 29.04.055; amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.100; amending section 4, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.120; amending section 29.07.160, chapter 9, Laws of 1965 as amended by section 20, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.160; amending section 29.18.110, chapter 9, Laws of 1965 and RCW 29.18.110; amending section 29.39.120, chapter 9, Laws of 1965 as amended by section 2, chapter 178, Laws of 1971 ex. sess. and RCW 29.39.120; amending section 1, chapter 73, Laws of 1967 ex. sess. as amended by section 3, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.010; amending section 3, chapter 73, Laws of 1967 ex. sess. as amended by section 6, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.030; amending section 5, chapter 73, Laws of 1967 ex. sess. as amended by section 9, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.050; amending section 6, chapter 73, Laws of 1967 ex. sess. as amended by section 10, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.060; amending section 7, chapter 73, Laws of 1967 ex. sess. as amended by section 11, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.070; repealing section 5, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.025; repealing section 8, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.045; repealing section 13, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.900; adding new sections to chapter 9, Laws of 1965 and to chapter 29.07 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3004, by Senators Dore and Woody:

An Act relating to financial responsibility; and amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090.

Referred to Committee on Financial Institutions.

MOTION

On motion of Senator Dore, Senator Woody was permitted as an additional sponsor to Senate Bill No. 3004.

SENATE BILL NO. 3005, by Senators Atwood and Matson:

An Act relating to interlocal government; and amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 34, Laws of 1973 and RCW 39.34.020.
Referred to Committee on Local Government.

SENATE BILL NO. 3006, by Senators Van Hollebeke, Wanamaker and Talley:

An Act relating to revenue and taxation; and reenacting and amending section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 187, Laws of 1973 1st ex. sess. and section 96, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3007, by Senators Dore and Woody:

An Act relating to interest rates paid by public depositories; and amending section 12, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.120.

Referred to Committee on Financial Institutions.

MOTION

On motion of Senator Dore, Senator Woody was permitted as an additional sponsor to Senate Bill No. 3007.

SENATE BILL NO. 3008, by Senator Van Hollebeke:

An Act relating to revenue and taxation; and amending section 84.48.010, chapter 15, Laws of 1961 as amended by section 2, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3009, by Senators Metcalf and Talley:

An Act relating to game; and amending section 77.12.040, chapter 36, Laws of 1955 as amended by section 3, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.040.

Referred to Committee on Natural Resources.

MOTION

On motion of Senator Metcalf, Senator Talley was permitted as an additional sponsor to Senate Bill No. 3009.

SENATE BILL NO. 3010, by Senators Metcalf, Guess, Jones, Scott, Wanamaker, Newschwander, Matson, Lewis (R. H. "Bob") and Sellar:

An Act relating to salaries of public officials; amending section 110, chapter 137, Laws of 1973 1st ex. sess; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 100, Laws of 1967 ex. sess. and RCW 43.03.010; amending section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 106, Laws of 1973 and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 106, Laws of 1973 and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 3, chapter 100, Laws of 1972 ex. sess. and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 4, chapter 100, Laws of 1972 ex. sess. and RCW 3.58.010; creating a new section; and declaring an emergency.

Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator Metcalf, additional sponsors were permitted on Senate Bill No. 3010.

SENATE BILL NO. 3011, by Senators Odegaard, Donohue, Washington, von Reichbauer and Clarke:

An Act relating to financial disclosure by elected officials; and amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240.

Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator Odegaard, additional sponsors were permitted on Senate Bill No. 3011.

SENATE BILL NO. 3012, by Senator Odegaard:

An Act relating to revenue and taxation; and amending section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3013, by Senator Grant:

An Act relating to marriage; amending sections 1 and 5, page 404, Laws of 1854 as last amended by section 26, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.010; and amending sections 13 and 14, page 83, Laws of 1866 as last amended by section 29, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.210.

Referred to Judiciary Committee.

SENATE BILL NO. 3014, by Senator Grant:

An Act relating to public employment; amending section 1, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.010; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030; amending section 5, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.050; amending section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060; amending section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070; amending section 8, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.080; amending section 11, chapter 108, Laws of 1967 ex. sess. as amended by section 1, chapter 59, Laws of 1973 and RCW 41.56.110; amending section 3, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.160; amending section 4, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.170; amending section 5, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.180; amending section 6, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.190; amending section 8, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.405; amending section 9, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.410; repealing section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; repealing section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030; repealing section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060; repealing section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; repealing section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.090; repealing section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100; repealing section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010; repealing section 2, chapter 196, Laws of 1971 1st ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020; repealing section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030; repealing section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035; repealing section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050; repealing section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060; repealing section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070; repealing section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080; repealing section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090; repealing section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; repealing section 6,

chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200; repealing section 9, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.090; repealing section 12, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.120; repealing section 2, chapter 59, Laws of 1973 and RCW 41.56.122; repealing section 1, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.140; repealing section 2, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.150; adding new sections to chapter 41.56 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 3015, by Senator Grant:

An Act relating to legislative activities of state agencies; and amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3016, by Senator Atwood:

An Act relating to motor vehicles; and amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 284, Laws of 1971 ex. sess. and RCW 46.61.515.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 143, by Senator Grant:

Proposing an amendment to the Washington Constitution on qualifications of electors.

Referred to Committee on Constitution and Elections.

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

MESSAGE FROM THE HOUSE

January 14, 1974.

Mr. President: The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 59,

HOUSE CONCURRENT RESOLUTION NO. 60, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 59, by Representative Charette:

Notifying the governor that the legislature is organized.

MOTIONS

On motion of Senator Atwood, House Concurrent Resolution No. 59 was advanced to second reading and read the second time in full.

On motion of Senator Sandison, House Concurrent Resolution No. 59 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Canfield, Knoblauch and Washington to serve as the members from the Senate under the provisions of House Concurrent Resolution No. 59 to notify the Governor that the legislature is organized and ready to transact business.

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

The committee retired to meet with a like committee from the House to notify the governor that the legislature is organized.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 60, by Representative Charette:

Joint sessions to receive the governor's state of the state message on January 14, 1974 and on January 15, 1974 honoring U.S. Senator Henry M. Jackson.

MOTIONS

On motion of Senator Bailey, House Concurrent Resolution No. 60 was advanced to second reading and read the second time in full.

On motion of Senator Bailey, House Concurrent Resolution No. 60 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the provisions of House Concurrent Resolution No. 59 notifying the governor that the legislature was organized and ready to transact business appeared before the bar of the Senate and reported that the Governor had been notified.

The report was received and the committee was discharged.

At 9:45 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing the State of the State message by Governor Daniel J. Evans.

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 Lieutenant Governor Cherberg, President Pro Tempore Al Henry and Vice President Pro Tempore James E. Keefe to seats on the rostrum beside the Speaker.

The Speaker invited the members of the Senate to seats within the House.

The Speaker turned the gavel over to the President of the Senate.

The Secretary of the Senate called the roll of the Senate, and all members were present.

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

The President of the Senate appointed Representatives Kalich, Charette and Newhouse and Senators Mardesich, Atwood and Bailey as a special committee to advise the Governor that the Joint Session had assembled.

The President of the Senate appointed Representatives Haussler, King and Morrison and Senators Sandison, Connor and Lewis (Harry) to escort the state elected officials to the bar of the House.

The Sergeant at Arms of the House announced the arrival of Governor Daniel J. Evans at the bar of the House, and the President requested the committee to escort him to a seat on the rostrum.

The President: "Honored members of this Legislature, ladies and gentlemen: The purpose of this joint session is to receive a message from Governor Daniel J. Evans. The Honorable Daniel J. Evans, Governor of the State of Washington."

Governor Evans: "Governor Cherberg, Speaker Sawyer, members of this Legislature: This message this morning will be as brief as I trust this session will be. But much more important than brevity, of course, is what will be accomplished during this 3rd extraordinary session of the 43rd Legislature. While it's called an extraordinary session, I view it, as I hope most of you view it, rather an annual session of this legislature designed to respond to the needs of our people to adjust the budget in light of changing conditions and to give us a better opportunity to meet the challenges of 1974, remarkably different from the challenges we faced just a year ago.

"Franklin D. Roosevelt said it perhaps best forty years ago when he said 'The only thing we have to fear, is fear itself.' In 1933 we had plunged into the worst depression in this nation's history. The economy was shattered, there was massive unemployment,

agriculture was nearly destroyed and the monetary system was in disarray. Even with all these setbacks, however, there was among most of the people of that time a strong heartbeat of hope. People were resolved, together, to build a better society. With all of their problems people did have pride in themselves and hope for a better future.

"In contrast, in 1973 this state and this country enjoyed one of its best years economically. The increase in employment of 53,000 in this state was exceeded by only one year in our state's history. Today more people are at work in this state than ever before. We have fully recovered from the deep recession of the late 1960's and early 1970's. In nearly every major aspect of the economy there were substantial gains in employment and growth—with the exception of government. Agriculture enjoyed a record year, aerospace stabilized and grew, forest products were strong and the general well-being of the economy was spread throughout all parts of the state. All in all, 1973 was the second best year in the economic history of Washington.

"In meeting the most difficult problem of 1973—the shortage of electric energy—the people of this state responded to the situation in a voluntary way, which is, I believe, unprecedented in the history of our state, or for that matter, of the United States. Statewide electric energy usage was reduced 7 percent; state government reduced usage on the average of 20 percent and here on the Capitol campus energy use was reduced more than one-third.

"It is true that there were problems, serious problems, in 1973. Shortages of all kinds struck unexpectedly and dramatically. People questioned the shortages, but they were there. Inflation reached new levels and surely represents our most serious problem in 1974. The confidence people had in their government, in their institutions and finally in themselves seemed to reach new lows. A counsel of despair appeared to be the order of the day and it became fashionable for the richest, strongest, freest and most fortunate people on the face of this earth to feel sorry for themselves and to seek understanding and even pity from their less fortunate neighbors.

"Yet, I am convinced the people of Washington, even as they face the chronic shortages of 1974 and beyond and the realization that hard choices have to be made, are eager and almost pleading to be involved in a challenge which is larger than themselves and to which they can devote their energies, their imaginations and their intellects. I believe this administration and this legislature would make a tragic mistake if we felt 1974 was a time to be fearful, to cast aside our great programs of the past, or to fail to dream the great dreams for the future.

"The people of Washington, I believe, will heed a call to greatness as never before in the past generation. We are a people who, having experienced the discord of the past decade, now can turn to building toward the future which can be ours during the next ten years. We cannot turn and run but must stand and confidently provide the leadership all citizens so fervently desire and should expect.

"Earlier this month I disclosed a new and innovative program, unique among the fifty states of this nation, whereby literally tens of thousands of the people of this state could band together to define the options for their future and then decide what that future should be. As I said, 'While we cannot escape history, we can, within reasonable limitations, be active makers of history rather than its helpless victims.' I invite this legislature, individually, and as a body, to work on this project both as an active participant in delineating our future options and, by 1975, a year from now, as the active instrument for putting the most desirable options into effect.

"Later this week I will announce the formation of a commission to conduct once again a major study of public employment and governmental productivity and efficiency. This citizen effort is designed to examine every facet of governmental operation and to report specific recommendations for better efficiency, clearer measurements of productivity and better means of personnel utilization. I expect to be able to utilize the great talents within the private sector of our economy and I expect the recommendations to come from this group to be action recommendations to which I pledge prompt response. Today we have a fine and exceptionally productive group of state employees. In most major areas of state government we are now serving more citizens per employee and doing it more effectively than was the case ten years ago or in virtually any of our sister states. But we can do better

and we must do better. Again, I would ask the legislature to become an active participant in this major effort.

"There are a number of specific issues which I will place before the legislature which I believe represent the highest priority for our state. The list is not long, but nonetheless important. The energy shortage, although perhaps not as severe in this state as in others, should have by now convinced almost everyone of the folly of not providing for a comprehensive department of transportation and for a reform of transportation funding. If we are to have, as so many have called for, an integrated and balanced transportation policy and if we are going to provide essential flexibility in transportation financing we do need these new pieces of legislation. Energy shortages simply are not going to disappear magically nor in a short period of time. Each local government, the cities and the counties of this state, as well as the state itself, I believe ought to have the wisdom and ought to have the ability to measure their own needs in transportation and be able to deal with those needs, both in terms of financing as well as management.

"This state, both individually and through the National Governor's Conference has been working closely with the federal government to assure a significant role for the states in energy allocation. The federal rules which will be published tomorrow will require an expansion of our allocation legislation so that we can act both promptly and decisively.

"We have been successful, through the National Governors' Conference in gaining this significant role for our state. We have succeeded, and now the challenge is ours—to be able to respond promptly and decisively when every allocation is required. No one seeks mandatory authority with any delight. It's not an easy task, it's not a very desirable task, but it's one which simply must be done if we're to meet, as well as possible, this energy problem.

"The best pollution control legislation of any state, the finest shoreline protection act in this country should be joined this session by comprehensive land use planning legislation. The legislation before you is good legislation. It has been worked on for months by broad citizen committees, as well as members of this legislature. Many have labored tirelessly to produce a bill embodying strong local control within a framework of state coordination. This state is noted for its progress in protecting its resources, and as the home of the distinguished United States Senator who is the leader in environmental matters and a prime mover of federal land use legislation. We ought to take some pride in passing a bill this session to show both to him and to our citizens, as well as the rest of the nation, our capacity for national leadership.

"The office of community development, now legally operating under an executive order, needs to be given legislative approval. It is doing outstanding work, I believe, now, and in recent months has made enormous strides in forging a new Washington partnership with local communities and governments.

"Several important measures designed to improve and strengthen our system of justice should be adopted. They are not new measures. They have been worked on hard by committees of this legislature and many of them have been introduced in past sessions. I believe three deserve your support this session. Implementation of these measures will enhance our system of justice and will lead to a more efficient management of that system of justice.

"In the field of consumer protection, two bills are urgently needed this session. Legislation providing for the publishing of a drug formulary would enable consumers, particularly older persons, to purchase safe and therapeutically effective prescription drugs at a cost lower than those usually charged for the equivalent name brands. A committee has worked on this legislation, it has been adopted by our Board on Pharmacology, and I believe ought to be adopted by this legislature. Newborn insurance legislation would require that health care insurance provide coverage to newborn children or persons covered by the insurance contract from the time of birth.

"Many exceptions exist today. Many families are made destitute by severe medical costs occurring with or shortly after the birth of their children not covered by many of today's insurance contracts. Both of these measures can be of significant value to the many people in our state who simply do not have the resources to totally protect themselves.

"People expect and should receive effective results from their tax dollar. This session I

shall seek two measures to help insure those results. The centralized administration of state government's motor vehicles, which I have requested several times before, and centralized school bus administration will provide better management and can provide substantial savings to the taxpayers of this state. I will work closely with this legislature and with individual members as you seek other such legislation which can perform equal services.

"For several sessions the issue of annual sessions has been before this legislature. By executive action, for the last six years annual sessions have in fact been the rule rather than the exception. I believe it is time to submit this issue by a constitutional amendment to the people of this state so that they can have the opportunity to vote on this question and so that citizens can be assured of the regularity and the control of legislative sessions.

"Finally, let me speak again about the budget. In a break with tradition and as a precursor of the law you passed a year ago which will require early submission of the budget starting next year, I submitted this budget in December, several weeks ahead of the session to allow early consideration of it by appropriate legislative committees. I trust this process now is well under way. This state has a history of careful fiscal management and an equal concern for its human and natural resources. It is time for us to stand up and be proud of what has been done and what is being done because it is a legislative as well as executive responsibility. In fiscal 1972, Washington ranked seventh among the eleven western states in terms of state and local taxes per \$1,000 of personal income. State taxes for fiscal 1972 increased only 4.3 percent over fiscal 1971. This was the *second* lowest rate of increase among the 50 states of this nation. During the 1965-72 period state and local government expenditures increased at a rate *less* than the national average. During this period I am confident the results, the excellence of response to the people of this state has been substantially above the national average. To a very high degree the proposals made in this budget concern those innovative and progressive programs which make this state a leader among the states in its concern for people. Education, care for the mentally retarded, volunteer programs, library services are but a few of the areas where we should and I think we must continue our leadership. The program, a unique program to put this state among the forefront of all the states of the nation in volunteer efforts, will be presented. This program for local service will allow young people throughout the state to volunteer for a year of effort in the support of the various institutions of their community. They will be able to select the kind of work they do and the various community organizations will be able to seek out and bring on board these young volunteers. The program deserves, I believe, the support of this state as it has already had for the past year the support of the federal government.

"I strongly urge the legislature to help make the libraries of this state whole. They have been hurt, and hurt badly, by the recent changes in law and by court decisions that relate to property taxes. Your local libraries and the state library as well will be unable to continue the excellent work they have carried out over past years unless there is some additional support from this session of our legislature.

"The retarded, especially those in our institutions, simply are not receiving to the extent they should educational and training opportunities, and this budget contains sufficient revenues to allow the continuation and expansion for those educational programs so that every youngster capable of receiving to whatever degree possible training or education, is able to get that training or education.

"I strongly urge the legislature to approve the exceptionally modest appropriations requested for the minority and equal rights commissions. I hope that these funds will not be caught up in either narrow partisanship or the equally erroneous position that the problems with which these commissions are working so successfully are resolved, because they are not.

"During the next several weeks the people will be watching to see how carefully and how promptly we discharge our responsibilities. I believe the business and budget of the state can and should be decided in the next 30 to 40 days. If, at any subsequent time, events dictate a further session, I would not hesitate to call one. But unnecessary delay in budget or legislative decisions now should receive strong citizen response and dissent.

"Each of us will be measured at the end of this session as to how well we conducted the peoples' business. If our performance consists of little more than partisan backbiting,

struggles for privilege and prerogative and a small and mean response to the cry of the people for leadership, we will and should be judged accordingly. If, instead, we submerge needless partisanship, concern ourselves with making this system work rather than abetting its destruction and respond to the great issues of the day we can retrieve some of the lost luster of political leadership. We can be regarded as leaders who, in a difficult time, cared enough to be right rather than expedient and who participated in a great partnership with the citizens of this state whom we all serve. Thank you."

President Cherberg: "Thank you very much, Governor Evans. Would the Governor's escort committee please come to the rostrum and escort Governor Evans to his Chambers?"

The committee retired.

The President of the Senate instructed the escort committee to escort the state elected officials from the House Chamber.

The committee retired.

MOTION

On motion of Representative Thompson the Joint Session was dissolved.

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

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the President, President Pro Tempore and Vice President Pro Tempore and the members of the Senate to the Senate Chamber.

The President called the Senate to order at 10:30 a.m.

MOTION

At 10:35 a.m., on motion of Senator Sandison, the Senate adjourned until 11:15 a.m., Tuesday, January 15, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, January 15, 1974.

The Senate was called to order at 11:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Greive, Twigg and Woodall. On motion of Senator Keefe, Senator Twigg was excused. On motion of Senator Marsh, Senator Bottiger was excused. There being no objection, Senators Greive and Woodall were excused.

The Color Guard, consisting of Pages Anne Moran and Katy O'Leary, presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"O LORD GOD, CREATOR OF ALL THINGS, LOVER OF SOULS, AND OUR ETERNAL FATHER, HELP US MORE AND MORE TO PUT OUR TRUST IN YOU, FOR IN YOU ARE THE SPRINGS OF OUR LIFE. WE PRAY, OUR GOD, THAT YOU WOULD ABUNDANTLY GIVE US OF YOUR SPIRIT, WITHOUT WHOM NOTHING IS STRONG, NOTHING IS HOLY, AND USE US AS IT SHALL PLEASE YOU. EMPTY US OF SELF-SEEKING DESIRES AND FILL US WITH THE WISDOM WHICH YOU GIVE TO THOSE WHO WAIT UPON YOU AND YOUR WORD. INCREASE OUR FAITH, MELLOW OUR JUDGMENT, STIR OUR ZEAL, DEEPEN OUR AFFECTIONS. PRESERVE US FROM JEALOUSY AND IMPATIENCE, FROM SELF-WILL AND DEPRESSION AND GIVE US A SENSE OF OUR WORTH AS YOUR CHILDREN. GLORY BE TO YOU, O GOD OF OUR FATHERS, THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEE

January 14, 1974.

SENATE BILL NO. 3003, making general revisions to the election laws (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington.

MOTION

On motion of Senator Grant, Senate Bill No. 3003 was referred to the Committee on Ways and Means.

January 14, 1974.

SENATE JOINT RESOLUTION NO. 140, amending the constitutional veto power of the governor (SSJR 104)(reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; von Reichbauer, Stortini, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 14, 1974.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 141, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 141.

STANDING COMMITTEE APPOINTMENTS

The President announced the following appointments to Senate Standing Committees:
 SENATOR GARY GRANT: Commerce
 SENATOR PETER von REICHBAUER: Chairman, Education; Constitution and Elections; Social and Health Services
 SENATOR FRANK WOODY: Financial Institutions
 SENATOR DANIEL G. MARSH: Judiciary
 SENATOR RUTHE RIDDER: Labor; Local Government; Social and Health Services
 SENATOR JAMES E. KEEFE: Transferred from Committee on Social and Health Services to Committee on Transportation and Utilities
 SENATOR DON L. TALLEY: Transferred from Committee on Social and Health Services to Committee on Transportation and Utilities
 SENATOR A. L. RASMUSSEN: Transferred from Committee on Transportation and Utilities to Committee on Ways and Means
 SENATOR GEORGE L. SELLAR: Labor

MOTION

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

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3017, by Senators Van Hollebeke and Day:
 An Act relating to revenue and taxation; and amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 126, Laws of 1972 ex. sess. and RCW 84.69.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3018, by Senators Day, Van Hollebeke and Jones:
 An Act relating to newborn infants; and amending section 2, chapter 82, Laws of 1967 and RCW 70.83.020.

Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Day, Senator Jones was permitted as an additional sponsor to Senate Bill No. 3018.

SENATE BILL NO. 3019, by Senators Whetzel, Grant and Washington:
 An Act relating to voting devices; and adding a new section to chapter 109, Laws of 1967 ex. sess. and to chapter 29.34 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3020, by Senators Atwood, Donohue and Odegaard (by Executive request):

An Act relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations; amending section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3021, by Senators Donohue, Henry and Twigg (by Department of Motor Vehicles request):

An Act relating to motor vehicles; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.030; amending section 46.12.040, chapter 12, Laws of 1961 and RCW 46.12.040; and providing an effective date.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3022, by Senators Donohue, Henry and Twigg (by Department of Motor Vehicles request):

An Act relating to motor vehicles; amending section 46.12.060, chapter 12, Laws of 1961 and RCW 46.12.060; and providing an effective date.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3023, by Senators Guess, Jolly and Donohue:

An Act relating to irrigation; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture.

SENATE BILL NO. 3024, by Senators Marsh and Francis:

An Act relating to domestic relations; defining crimes; adding a new section to chapter 26.09 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3025, by Senators Washington, Jolly, Henry, Guess and Donohue:

An Act relating to motor vehicles; and amending section 46.44.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.040.

Referred to Committee on Transportation and Utilities.

MOTION

On motion of Senator Washington, additional sponsors were permitted on Senate Bill No. 3025.

SENATE BILL NO. 3026, by Senators Talley and Peterson (Lowell):

An Act relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3027, by Senators Talley, Peterson (Ted) and Connor:

An Act relating to public employment; and amending section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030.

Referred to Committee on Labor.

SENATE BILL NO. 3028, by Senator Walgren:

An Act relating to public highways; amending section 47.44.010, chapter 13, Laws of 1961 as last amended by section 7, chapter 108, Laws of 1967 and RCW 47.44.040; and amending section 47.44.020, chapter 13, Laws of 1961 and RCW 47.44.020.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3029, by Senators Marsh and Francis:

An Act relating to domestic relations; adding new sections to chapter 157, Laws of 1973 1st ex. sess. and to chapter 26.09 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3030, by Senators Odegaard and Day:

An Act relating to mental illness; amending section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020; amending section 25, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.200; amending section 33, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.280; and declaring an emergency.

MOTIONS

On motion of Senator Day, Senate Bill No. 3030 was referred to the Judiciary Committee.

On motion of Senator Odegaard, Senator Day was permitted as an additional sponsor to Senate Bill No. 3030.

SENATE BILL NO. 3031, by Senator Rasmussen:

An Act relating to legal holidays; amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 1, Laws of 1973 2nd ex. sess. and RCW 1.16.050.

Referred to Committee on State Government.

SENATE BILL NO. 3032, by Senator von Reichbauer:

An Act relating to school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE JOINT RESOLUTION NO. 144, by Senator Durkan:

Deleting obsolete language from Article VI, Section 1 of the state Constitution – qualifications of voters.

Referred to Committee on Constitution and Elections.

MOTION

Senator Fleming moved adoption of the following resolution:

SENATE RESOLUTION 1974-165

By Senators Fleming, Grant, Durkan, Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody:

WHEREAS, We the members of the Senate congregated here this fifteenth day of January to carry out the responsibilities delegated to us by the citizens of this state, recognize that in this never-ending challenge we have the ideals of a most Honorable American to help us light our path; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr., was an obscure young minister in an Alabama church when he took part, in 1955, in an historic act of protest: The organized boycott by Blacks of the Montgomery bus system, an act which captured the imagination of the Nation and of the Black community in particular; and

WHEREAS, This man, a man of God, became an honored citizen of the world, when he received the Nobel Prize for Peace in 1964; and

WHEREAS, This man, a man of great intelligence, compassion, and courage, refused to be intimidated in the face of seemingly insurmountable obstacles in order to tell us that though we are "one Nation under God" we were two societies, separate and unequal; and

WHEREAS, This man, a man who devoted his life to the betterment of the downtrodden in this Nation, marched in the South, marched in the North and marched into the heart and conscience of every concerned American; and

WHEREAS, The Reverend Dr. King, challenged us to better the quality of this society by calling for the elimination of ignorance, discrimination, slums, poverty and disease — “Not because we are frightened of conflict, but because we are fired by conscience”; and

WHEREAS, This man, a man who gave hope and direction to the oppressed and the poor in our Nation, had a dream that all Americans should be afforded the ideals on which the United States of America was founded, those of individual dignity, freedom, and equality of opportunity; and

WHEREAS, This man, a man who held to a Gandhian belief in the principles of Pacifism, was assassinated in April of 1968, an act which brought shame and grief to all of us;

NOW, THEREFORE, BE IT RESOLVED, That on this day we, the Senate of the State of Washington, pause in our deliberation to pay homage to one of our most honorable citizens, the Reverend Dr. Martin Luther King, Jr., in order to call to the attention of the residents of this state his selfless contributions to the betterment of minorities and the poor, to rededicate ourselves to the pursuance of his, and our, cherished ideals, and to pay heed to the following biblical quote on which it may be said that the Reverend Dr. King modeled his life, “If I am not for myself, who will be for me? And if I am only for myself, what am I? And if not now, when?”.

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

REMARKS BY SENATOR FLEMING

Senator Fleming: “Mr. President and fellow members of the Senate, most of you know what this day is and you have heard the resolution. I cannot help but believe that in this day and age more than ever we should as members of this body and of this state and nation try and rededicate ourselves, and to some I guess dedicate themselves, to the people of this nation that are in most need. I hope at one point in time in history in this state that a resolution such as this on this floor will be more than just a formality. I hope that someday we in this state will not be on this floor on this date. Hopefully we will be at home or wherever there are places for us to sit back and reflect on what this nation is all about and where this nation should be going. I hope that that, with the good graces of the Lord and the good will of men, will be a reality some day. I think that we should also think in terms of what this man’s life meant. Whether you want to recognize it or not, no other man in history, be he black or white, yellow or red, other than a president, has had the acclaim that this man did in his life. No other man has had as many streets, as many schools, as many city holidays, school holidays and state holidays named in his memory. This in itself is a tribute to a great man and I think, in closing, what we all should think about, and it is a very serious thing, that right now we are at one of the most dangerous times in our lives. The poor and the minorities that this man fought for, this man strove to have better lives for them in this world, they are indeed in trouble. When we are in a nation at a time when we are talking about an energy crisis, when there is not enough fuel to heat homes, we know who will freeze in the inner cities, in the homes that are leaking at this particular time. We know when there is not enough gas at fifty cents in a nation but there will be enough gas at a dollar a gallon, you know who will suffer. We know when they say that there might be a dollar loaf of bread in the future in a country that has so much to offer while they are sending wheat to other countries; we know the people who will be suffering most. And I think that this body, and I hope the people of this state, can recognize that there are no longer any organized efforts to rid institutional racism. There are no longer any organized efforts to spread the economic power and the wealth with the poor and the minorities. On the national level all these programs have been dismantled and I think that we are going in reverse.

“And so in closing, gentlemen, I do say that if any time, now is the time to reflect on

where we are going and hopefully that we will look in behalf of those people because this man lost his life striving in that direction. Thank you."

REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President and members of the Senate, I would simply like to offer a few words in behalf of the resolution. I think it is incumbent upon someone of my race to offer a tribute to this man but more than to a man; I think to an idea, and I think that is what is exemplified by the life of Martin Luther King is an idea, a concept. I think I should like to quote from Abraham Lincoln in the Emancipation Proclamation when he said, and I think Dr. King's life exemplified this — they are not well known words — he said, speaking to the blacks of the country at that time:

'I hereby enjoin upon the people so declared to be free to abstain from all violence unless in necessary self defense.'

"I think that is an idea that was exemplified by the life of Martin Luther King. And I think it is something that we all should reflect on. This is not a tribute to a man. If we were to establish the day, January 15, as a holiday it would not be a tribute to Martin Luther King. I think it would be a tribute to an idea, and that idea is equality of man, justice under the law for all citizens of this country. I just hope and pray that one day and we have not accomplished this as yet, I am fearful that we have not accomplished this as yet, we will consider our black brothers in this country men, fellow men, not boys. I urge your adoption of the resolution."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, speaking in support of the resolution, I believe that this resolution in honoring Reverend King honors in a far broader sense all of those minorities, yellow, red, black, the downtrodden and the poor. I think the purposes we are talking about are more than ideals. They are more than objectives. They should be our purposes, the purposes of establishing equality, and I think we can be proud of the progress that we have made here in the state of Washington. The Republican Party is proud of its efforts in this regard as well as I am sure you gentlemen on the other side of the aisle are proud. Yes, we have a long way to go in the elimination of ignorance and the final elimination of all discrimination and we are glad to join with you, Senator Fleming, in this resolution today."

REMARKS BY SENATOR DORE

Senator Dore: "Mr. President and members of the Senate, I too, would like to join in the resolution before you honoring Martin Luther King. In my lifetime as a state legislator, I think the two finest things that have happened to me are that I personally had the acquaintance of John F. Kennedy when I was a young law student and also I had the honor of introducing Martin Luther King on one of his visits to Seattle. Now what made Martin Luther King great, greater than all the rest of men in similar positions? He came from a humble origin, came from a deprived state, and yet he rose to the highest heights probably, as Senator Fleming pointed out, of any man other than the president himself. And I think the answer to that is the man himself. He was a regular rather small man physically, not impressive physically. He was quiet, he did not threaten anyone. He spoke very gently and so on, but he was a dynamic orator and he spoke during a time when many of our black brethren had abandoned our system of government, that it would not work, that there was no room for the black man, that he could not rise in the system. He could not have decent homes or he could not send his children to schools that were adequate so they could be trained. They would have no share of the great American dream, and so, many advocated violence, to break off, to have a separate America, to have separate states. But there was one cool calming voice during that era and I remember it well and that was Martin Luther King. And he said the Constitution of our land and our laws were adequate so the black man could work within the system and rise within the system, and I think history has determined that he was right, because at that time there were no black men in the legislature, at that

particular time there was no black man. There was none on the city council of our great cities. There were very few in Congress. There were no great black leaders. In a few short years now, examine the record. We have many, many of our large cities administered by black mayors, effectively, accepted by black and white together. We have our many black Congressmen. We have, of course, representations in both houses of our legislature. Today throughout the state, of course, the black man can expect to be treated, not always but in most cases, equally with his white brother in the event that he advocates the proper program. And I think if we are fair and honest with this we can trace ourselves back to the time of Martin Luther King and what he advocated doing during an era of hysteria. He was that calm cool voice. He was dedicated. He spoke the voice of reason and that is why he rose to the top. He was the leader of men. I think people paid more attention to him probably during his time than any one single individual. What he said was the law. What he advocated they tried to do. So today it is indeed an honor and a privilege as I stand in the Senate to join in this resolution with Senator Fleming, Senator Grant, Senator Lewis, and others who have spoken here. He was an outstanding great man and it is fitting that we honor him today by this resolution."

MOTION

On motion of Senator Fleming, all members were added as sponsors of Senate Resolution 1974-165.

PRESIDENT'S PRIVILEGE

The President requested the members of the Senate and visitors to stand for a moment of silence in memory of Dr. Martin Luther King, Jr.

The motion by Senator Fleming carried and the resolution was unanimously adopted.

At 11:45 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing the Honorable Henry M. Jackson, United States Senator, address the members of the legislature.

JOINT SESSION

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

The Speaker requested the Sergeant at Arms of the House to escort the President, President Pro Tempore and Vice President Pro Tempore of the Senate to seats on the rostrum beside the Speaker.

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

The Speaker turned the gavel over to the President of the Senate.

The President announced that with the consent of the members of the House and the Senate the roll call would be dispensed with.

The President of the Senate appointed the following committee to escort the elected state officials of the State of Washington to the bar of the House: Representatives Flanagan, Ceccarelli and Curtis and Senators Odegaard, Lewis (Harry) and Talley.

The Committee retired.

The Sergeant at Arms of the House announced the arrival of the elected state officials at the bar of the House, and the President invited them to seats at the front of the House Chamber.

The President of the Senate appointed the following committee to escort United States Senator Henry M. Jackson to the bar of the House: Representatives Gaines, Hoggins and Savage and Senators Ridder, von Reichbauer and Lewis (R. H. "Bob").

The President: "Mr. Speaker, Senator Jackson, Father Treacy, Honored State Officials, esteemed members of the Legislature, ladies and gentlemen: The most crucial and dangerous

stage of any impending crisis is the times when positive action can be taken to prevent disaster. With regards to the apparent energies shortage throughout the nation and the world, that time is today. Those of us who now have the duties to deal with the problems surrounding the energies conservation and consumption needs must seek counsel in the most knowledgeable sources. We are indeed fortunate to have with us today, United States Senator Henry M. Jackson, a native son of Snohomish County in the state of Washington. As we are all aware, Senator Jackson has served with honor and distinction and served diligently on behalf of this state and the United States of America. He has achieved a career second to none. Senator Jackson is the most knowledgeable source on the subject of the energies crisis facing the world. His experience and background in these complex matters will be relied upon by the United States Congress in the immediate future when it resumes its battle with the energies crisis problem. Scoop, everyone fortunate enough to be present today is most grateful to you for being with us in Olympia and we know that you will give us the information that we need concerning this vital issue. Ladies and gentlemen, it is with great pride and honor that I now present to you the Honorable Henry M. Jackson, United States Senator."

Senator Jackson: "Mr. President, Mr. Speaker, members of the House and Senate in Joint Session, and ladies and gentlemen: I am honored indeed to accept your kind invitation to address this Joint Session at a time of great, great uncertainty in our country's history. We're confronted with some of the most far-reaching problems that impact not only on our nation domestically, but impact on our nation internationally. We speak at a time when we don't have adequate information to deal with these problems. The facts are that we don't have the facts about how much oil is in inventory in various states of refinement, how much oil is being imported, how much oil is being exported, the amount of oil, if any, that is in shut-in wells, as they call them, capped wells. The list is long.

"I talked to Mr. William Simon, the head of the energy effort nationally and a very able man, and a great patriotic citizen. He made the same observation—we just don't have the facts. So on Monday next, I will have all the major international oil companies before my investigative committee to ask them to submit the data we have already requested covering the points I have mentioned and additional items. So that we can get the facts and with the facts we can act intelligently as legislators in dealing with the crisis.

"People ask me and they ask you 'Is there an energy crisis?' Well, I think that's a play on words. We're all politicians and to the man who has to stand in line for gasoline—I was at a breakfast in Shelton this morning and they couldn't come from one town because they're out of gas up there—it's a crisis. And to the person who sees in the paper that gasoline is going to be \$1.00 per gallon, I'd say it's a crisis. And to our senior citizens who are getting hit hard with terrible increases in fuel oil prices, it's a crisis. The real question is: Are these things being withheld that should be made available?

"Now the emergency energy bill which comes up at noon on Monday, after I have a hearing at 10 a.m., has many things in it of importance, and one thing will be to require the data that I have referred to by law. They say in the meantime we're not going to wait, we're going to move right ahead and get that basic information without delay. The immediate problem that you and I face is how to manage shortages. That's not a very pleasant political task, by any means, because you have to ration shortages in such a way as to do equity and to do it in a way that will not impair the economy of this state and the nation.

"May I mention to you that in the mandatory allocation act — fuels allocation act — the philosophy behind it was to give as much responsibility to the state to carry out the program as possible. We feel that local government knows more about the specific problems at the local level than does someone sitting in Washington, D.C. I hope you share that judgment, and hence we have made special provisions in the law authorizing the President of the United States to delegate authority on the allocation to state government, and there are set-asides to deal with emergencies in a way in which you can act effectively on specific problems. I believe that the Congress will approve my emergency bill when we return — it's passed the House and Senate — it's a Conference Report — and in that bill we have a provision to reimburse the states for the cost of carrying out federal programs — the salaries and the necessary expenses incident to the administration of these allocation programs. In addition, we provide in that emergency bill for conservation authority, and those programs

we leave largely to the states. May I, at this point, say how proud I am of the state of Washington for taking the lead nationally, along with the state of Oregon, in conserving energy, because this is a main part of our emergency efforts. We've been on an energy binge too long. I hope you agree with that. We've been wasting it, we've been using it as if it were going out of style. Having lights in those big skyscrapers on 24 hours a day is not the way in which you conserve energy. Those two huge towers in Lower Manhattan consume as much energy in a 24-hour period as is consumed in a city the size of Spokane. They have finally turned them off. They have one light switch in each building, or two switches, either turn them all on or turn them all off. I hope you look at your building codes, too. They don't even allow an open window — they're sealed. I think in our drive for something to be new and different, totally functional, we lose sight of some of the simple things that I think are basically important.

"Our immediate problem of the emergency, and in this area, if I may say so, I think it's important for the state, and maybe the Legislature will want to consider means by which you can, through your state government, advise Mr. Jack Robertson, who is the Regional Director of the Federal Energy Office in Seattle, and I think a very able and competent person — he's a distinguished scientist — of the things that you anticipate will be in short supply. I think you might want to consider an early warning system. Agriculture has the highest priority on allocations and that includes our timber products industry. I think you might want to consider authority for your state government to collect the data so that you can advise Mr. Robertson in advance what your requirements are going to be. What the future needs will be for agriculture, for the timber products business, for fishing — take something highly seasonal — the construction business. We have a base period that is not good and that will have to be adjusted. I believe the State Legislature might do well to consider legislation that will help in marshalling the facts so that sensible decisions can be made in advance and made before we run into serious economic trouble.

"Now the immediate problem, besides rationing shortages, involves, in addition, getting an on-going program of land use planning underway. This is a function of the state. The only reason that I introduced a bill in the Congress was to find a means by which we could urge the states to undertake this function, and we provide in that legislation grants-in-aid of up to 90% for technical assistance to make it possible for the states to get started on a land inventory program, to make it possible for the states to look ahead. We're talking about literally rebuilding America between now and the year 2000 — where the highways of the future will go and be located, the airports, the industrial sites, the power siting. Do we need, ladies and gentlemen, to have all of these series of corridors across the Cascades? Much of it, most of it, is duplicated, when we could have maybe 2 or 3 energy cores and not rip up as much land as we have been doing. And then the other objective, of course, is to decide in advance and look ahead for planning purposes to the areas you want to preserve and conserve. The federal legislation, very simply stated, is an effort to urge the states to exercise state's rights, because only the states have the police power to do this job. But we face a crisis in this area. Awhile back I, like maybe some of the rest of you — whenever a new industry came to town I was always muscling in the picture to claim credit. We were glad to welcome the new industries. Now, the odds are that the head of the new industry coming to town will be welcomed by the sheriff with a show-cause order why the industry should be located there. All I'm suggesting is that we need some guidelines, we need a road map, we need to be able to tell people where our power plants should be located, our energy sites, what areas ought to be conserved. I'm a life-long environmentalist. I can look at this both ways. I even authored the National Environmental Policy Act, but I know there's something rotten in Denmark when we have on the East Coast a situation where 70% of all their oil comes by tanker from abroad, and the states are all passing resolutions saying: 'We don't want a port or a refinery located on our coast.' Well, you know you can demagogue a little bit, but after awhile it comes to a screeching bit of trouble especially when they turn it off, and you have to decide whether they're going to be cold, or whether there's going to be a facility. I want the states to move first. I've been proud of the state of Washington for its progressive leadership on the part of both political parties.

"Moving on then, the Land Use Bill in the Senate is supported by the Democrats and by the Republicans — it's a bipartisan effort and I hope and trust that you will pass an

appropriate land use bill in this session of the Legislature. We need some decisions regarding the areas that are to be conserved and the areas that are to be developed. The House is acting on my bill, I hope very shortly. It's all a part of the energy package, because you have to decide where these energy facilities are to be located. We passed the surface mining — so-called strip mining bill. It's a sensible bill. We just say if you can reclaim it, you can strip it. If you can't reclaim it, you can't strip it. I don't think we want too many moon scars around the United States. So the immediate problem in energy that we face beyond the emergency is first, an all-out effort must now be made to develop the outer continental shelf and to build oil refineries. This is how you move immediately. It's fine to talk about solar energy, but tell the chap when he asks you when he's going to get some more gasoline: 'Well, you go down to the solar pump.' The solar pump may be 25 or 30 years away, and I don't think many of us will be around at that point.

"We need immediately to develop our own oil protection. Let me give you some brief figures. The total oil reserve for the world is 600 billion barrels — that's recoverable reserve, what you can dig out. That does not mean in-place reserves and they are many, many times greater than that, but this is what you can get out with current technology — 600 billion barrels. Saudi Arabia, with 5 million people, has 300 billion barrels — one-half. United States of America, last year or last figures had 38.7 million barrels. We produce more and consume more than any nation on earth, so our reserves are going down. Now what do we have in the United States — I am convinced that in Alaska alone we have 100 billion barrels of oil that could be developed. Prudhoe Bay has 9.8 billion, the naval petroleum reserve has a minimum of 30 billion barrels, and that doesn't count the rest of the inland of Alaska and the outer continental shelf of Alaska, even though the outer continental shelf of Alaska is so vast that it is more than all of the other coastal and gulf states combined, about 50 to 60 percent of the total.

"And in the other areas of the outer continental shelf on the east coast, the west coast, the gulf, the public land, we have enormous reserves. So that's the task that we must move on immediately. We must cut the time from 8 years. We dawdle from the time a lease is sold; it's 8 years before oil appears. We want to cut that to about 3 to 4 years and do all of this in an environmentally acceptable way. We're not going out and insist that leases be sold in every area. We must pick the areas that will do the least amount of environmental damage, and I think that can be done.

"Then we must convert from oil to coal, and here we can save 2 million barrels a day. We consume 18 million barrels a day. We import a little over 6 million barrels a day. While we do that — I'll come to this main point in a minute — we must move forward with an on-going research and development system so that we can burn coal under boilers and do it without violence to the health of our people — clean air, and that we can do. A nation that can put all 12 men on the moon, — fantastic things that America has done — yet I've found that in this area we have done very, very little in the last 50 years in research. Burning coal under boilers, getting rid of the SO₂, the sulphur, and other pollutants is the highest research development project of all. So here we could save 2 million barrels a day immediately in the next few months — a third of the conservation efforts that I have alluded to through proper practices in the area of conservation.

"For the longer term, the intermediate and longer term, America must make the decision, and I think America has made that decision. The Senate did in passing my bill for a 30 billion dollar minimum authorization over ten years for research and development to make this country self-sufficient within a decade. I am confident that we can do it. For the intermediate term it involves a massive research and development program to convert coal to petroleum and to natural gas. We have over half of the coal reserves of the world — think of it, over half. We're in a unique position when it comes to the indigenous resources — Europe does not have his, Japan does not have those indigenous resources. Oil shale — we have a minimum of 600 billion barrels, equal to the total oil reserves of the world, that can be converted from that hard rock, and as high as 3 trillion barrels, five times the total reserves of the world, locked up in the Rocky Mountains, hard rock, you have to heat it to 800 or 900 degrees fahrenheit, but it can be converted to petroleum. Here again, this massive R & D effort is to come up with the best technique or techniques by which you can do it on an economically feasible basis and without doing violence to the environment.

"The third area is geothermal, the hot volcanic steam and water way down deep. We have it in our state. We estimate there are in the United States, primarily in the West and Louisiana, an equivalent of 20 Grand Coulees. This is a very important program.

"And then on down the road, looking out into the wild blue yonder, but we move all of these things concurrently – is fusion, the power of the hydrogen bomb. There's hydrogen as a fuel, which many experts say will be the substitute for gasoline in the future – very expensive now, and then there's solar energy, just to mention some. These are the infinite resources, unlimited, as compared with the finite resources which are limited and which we must recognize as limited, as we do our plans.

"And so I want to say that this program does involve the greatest research and development undertaking ever attempted by the United States of America in war or in peace – many times greater than the Manhattan project of World War II – many times greater than the Apollo program of the 1960's when we put a man, not one but 12, on the moon in 6 different voyages. It involves the marshalling of the brains involving all the disciplines of our nation, and you and I can be proud of the talent and the scientific and technological community of America. Many years after Kruschew announced that he was going to bury us, we find the Russians want our scientific and technological know-how like mad. But when you marry this scientific and technological know-how with these indigenous resources that I have referred to – the petroleum, the coal, the oil shale, the geothermal – you have an unbeatable combination. So in the midst of this crisis I bring you a word of good cheer. This is a manageable crisis.

"I want to say too, however, that as we look at our problems, we cannot ignore the problems of western Europe and Japan. It is important that we make sure that the economies of western Europe and Japan do not go under; they face the most serious of all problems. Europe is dependent to the degree of some 80 percent for their petroleum supply from the Middle East. Japan – 90 percent for its supply. And in the midst of that, having succumbed to blackmail, most of them, they had to pay their on-going price, and after they agreed to change their foreign policy, they were greeted with another greeting – which you always get from a blackmailer – that the price went up a little bit. The price has been going up a little bit from \$3.50 a barrel to \$20 a barrel in less than 12 months. I don't want the United States of America ever to be postured in such a way that we will be subject to blackmail and will have to knuckle under to any potentate, no matter where he may be located in the world. (Applause)

"So this is what it's all about. The figures we don't have available. But I say to you that the United States of America cannot tolerate a program in which we are dependent currently for 35 percent of our life blood from abroad and if there is a settlement tomorrow in the Middle East, ladies and gentlemen, don't get the idea that our problems are over, because they are not going to increase their production even a tiny bit. I was in the Middle East last year and I talked to one of the leaders of Saudi Arabia – this poor little country with 300 billion barrels of oil, an income of \$3 billion the previous year. They made it very clear when I talked to them, and I brought this message back, but some people wouldn't listen. I said: 'Why don't you invest over in the United States?' I figured that if they invested enough over here, that when they attempted to nationalize our people over there, we could reciprocate over here. But they turned to me and said: 'Senator, can you think of a better investment than to keep our petroleum in the ground and just sell it as we need the revenue?' Well, I'm not an investment counselor but I said I couldn't disagree with them. As a matter of fact, had they gone to the best investment counselors on Wall Street a year ago and put it in the stock market it would be worth at least half of what it was worth then. In the meantime, they have had a 600 percent growth factor and I would think a good investment counselor who could produce for his client that well in one year, would make a good commission.

"The message is, that the Saudi's have cut their production from 8 million barrels to 6. They are making 4 times as much revenue. They'll take in 10 billion dollars. Secondly, they don't want to get too much money in the till, because they are sitting there as one of the 'have' countries surrounded by the Egyptians that are 'have nots' – 35 million of them versus 5 million. And they know very well that unless they are very prudent that there will be a capital levy put on them, and they don't hesitate to blackmail each other in the Middle

East. So let's don't count on any great relief even if there is a settlement in Geneva. It would be unwise, imprudent for us to do that. Our task now is to go full speed ahead with the program of self-sufficiency and in the meantime see to it that our program is handled in such a way that we do not distort our economy. This is the crucial thing. What's hanging over the United States and the western industrial consuming countries is the danger of a major recession. As I said, I think it is a manageable crisis we face.

"In our own state, the reason that the economy of western Europe is important is that we export a lot of things to western Europe. We export a lot of agricultural products. We export lumber, pulp, and one of our biggest – commercial aircraft. Commercial aircraft could be seriously hurt with the postponement of orders here in this state, in this country nationally, and postponement of orders for the first time abroad. If the economies of Europe and Japan are hard hit, we must understand they will not be able to buy aircraft, and in the recession of 1970 the Boeing Company sold all of its commercial aircraft abroad, all of it – not a single plane sold in the United States commercially.

"So I think the legislature wants to watch carefully our industrial indicators. See to it that there is no cutback in the energy requirements for the job-producing industries in this state. This is an important item. All of these things are difficult. They are troublesome. They are all manageable. I want to assure you, both Republican and Democrat alike, of my desire to work with you in finding a common solution as I will work with your leaders on both sides of the aisle and work with the head of this energy effort, William Simon, who I think is an honest, confident, dedicated American – he doesn't belong to the same political party that I belong to. But I feel very deeply that in this point in our history it is so important that we act constructively and in the best interest of all of our citizens. We've all learned in politics, both sides of the aisle, that there are times when the best politics are no politics and that is right now. Thank you."

The President of the Senate instructed the committee consisting of Representatives Gaines, Hoggins and Savage, and Senators Ridder, von Reichbauer and Lewis (R. H. "Bob") to come forward and escort Senator Henry M. Jackson to the State Reception Room.

The committee retired.

The President requested the committee consisting of Representatives Flanagan, Ceccarelli and Curtis and Senators Odegaard, Lewis (Harry) and Talley to come forward and escort the elected state officials from the House Chamber.

MOTION

On motion of Representative Thompson, the Joint Session was dissolved.

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

The Speaker directed the Sergeants at Arms of the Senate and the House to escort the President, President Pro Tempore and Vice President Pro Tempore and the members of the Senate to the Senate Chamber.

The President called the Senate to order at 12:35 p.m.

MOTION

At 12:37 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Wednesday, January 16, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, January 16, 1974.

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 Woodall. On motion of Senator Scott, Senator Woodall was excused.

The Color Guard, consisting of Pages Tim Triplett and Sherry Inglin, presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

“O GOD OUR FATHER HELP US NEVER TO FORGET YOU, NEVER TO IGNORE YOU, NEVER TO DESTROY YOUR TRUST IN US AS YOUR DEAR CHILDREN. GOD BE IN MY HEAD AND IN MY UNDERSTANDING, GOD BE IN MY EYES AND IN MY LOOKING, GOD BE IN MY MOUTH AND IN MY SPEAKING, GOD BE IN MY HEART AND IN MY THINKING, GOD BE AT MINE END AND AT MY DEPARTING. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 1974.

ENGROSSED SENATE BILL NO. 2006, revoking hunting licenses for certain violators (reported by Committee on Natural Resources):

Recommendation: That Substitute Senate Bill No. 2006 be substituted for Engrossed Senate Bill No. 2006 and that the substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2046, repealing the host-guest statutes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Dore, Greive, Marsh.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2211, allowing prosecutor of King County to contract with attorney general to initiate support proceedings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Greive, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2399, defining reasonable attorney's fees in eminent domain proceedings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Greive, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2477, providing for reinstatement of corporate privilege to do business after lapse of license (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Greive, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2488, amending the implied consent law to permit a person who has refused the test to plead guilty and keep his license (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Dore, Greive, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2540, providing for an increase in the salaries of part time district court judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2670, providing increase for justice court juror's fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2881, providing that a tenant who breaks his lease without making payment for the period of contract or leaving a forwarding address shall be guilty of a misdemeanor (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Clarke, Greive, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2961, allowing prosecuting attorneys to employ legal interns (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Atwood, Clarke, Dore, Marsh, Twigg.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2962, allowing city attorneys to employ legal interns (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Atwood, Clarke, Dore, Marsh, Twigg.

Passed to Committee on Rules for second reading.

January 15, 1974.

SENATE BILL NO. 2974, permitting enforcement of judgments by supplemental proceedings in justice courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Greive, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 16, 1974.

Mr. President: The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 59,

HOUSE CONCURRENT RESOLUTION NO. 60, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate of former State Senator John H. Stender who is now Assistant Secretary of Labor for Occupational Safety and Health and appointed Senators Connor, Sellar, Grant and Matson to escort the Honorable John H. Stender to the rostrum.

Senator Frank Connor introduced the distinguished guest and with permission of the Senate, business was suspended to permit the Honorable John H. Stender to address the Senate.

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

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 59,

HOUSE CONCURRENT RESOLUTION NO. 60.

MESSAGE FROM THE HOUSE

January 16, 1974.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 141, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3033, by Senators Whetzel, Dore and Woody:

An Act relating to corporations; and amending section 128, chapter 53, Laws of 1965 and RCW 23A.36.010.

Referred to Judiciary Committee.

SENATE BILL NO. 3034, by Senators Bottiger, Atwood and Bailey:

An Act relating to property taxes; and amending section 20, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 67, Laws of 1973 1st ex. sess. and RCW 84.55.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3035, by Senators Walgren, Washington, Knoblauch, Odegaard and Rasmussen:

An Act relating to size, weight, and load of motor vehicles; amending section 62, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.038 and declaring an emergency.

Referred to Committee on Transportation and Utilities.

MOTION

On motion of Senator Walgren, additional sponsors were permitted on Senate Bill No. 3035.

SENATE BILL NO. 3036, by Senator Grant:

An Act relating to excise taxes; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 281, Laws of 1971 ex. sess. and RCW 82.12.020; and amending section 32, chapter 180, Laws of 1935 as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3037, by Senator Walgren:

An Act relating to the Washington state ferry system; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3038, by Senators Day and Jones:

An Act relating to convict-made goods; and amending section 1, chapter 294, Laws of 1927 as last amended by section 1, chapter 73, Laws of 1970 ex. sess. and RCW 19.20.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3039, by Senator Day:

An Act relating to parks and state lands; and adding a new section to chapter 39, Laws of 1953 and to chapter 43.51 RCW.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3040, by Senators Day, Jones, Van Hollebeke and Ridder:

An Act relating to the public health and to hospitals, health care facilities and the equipment thereof; creating the Washington health care facilities authority, prescribing its powers and duties, authorizing the issuance thereby of bonds and other obligations and providing their terms and security; and adding a new chapter to Title 70 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3041, by Senators Grant and Whetzel:

An Act relating to elections; amending section 35.22.150, chapter 7, Laws of 1965 and RCW 35.22.150; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.22 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3042, by Senators Grant, Connor, Dore, Mardesich and Ridder:

An Act relating to labor relations; enacting a state labor-management relations act; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3043, by Senators Van Hollebeke, Jones and Dore.

An Act relating to motor vehicles; amending section 1, chapter 16, Laws of 1963 as amended by section 54, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.400; amending section 3, chapter 16, Laws of 1963 as last amended by section 1, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 and RCW 46.61.415; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3044, by Senator Grant:

An Act relating to elections; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.13.010; and amending section 29.13.020, chapter 9, Laws of 1965 as amended by section 3, chapter 123, Laws of 1965 and RCW 29.13.020.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3045, by Senators Durkan and Atwood:

An Act relating to state government; amending section 1, chapter 129, Laws of 1973 1st ex. sess. and RCW 43.79.415; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3046, by Senators Day and Jones:

An Act relating to public health; and adding new sections to chapter 70.01 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3047, by Senators Donohue and Odegaard (by Office of Program Planning and Fiscal Management request):

An Act relating to income of courts; and amending section 109, chapter 299, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3048, by Senators Wanamaker, Odegaard, Sellar and Peterson (Lowell):

An Act relating to scenic and recreational highways; and adding a new section to chapter 47.39 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3049, by Senators Dore, Marsh and Jones:

An Act relating to public employment; and amending section 1, chapter 264, Laws of 1971 ex. sess. as last amended by section 1, chapter 99, Laws of 1973 1st ex. sess. and RCW 41.04.250.

Referred to Committee on State Government.

SENATE BILL NO. 3050, by Senator Woody:

An Act relating to shoreline management; amending section 8, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.080; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 3051, by Senators Rasmussen, Day and Guess (by Lieutenant Governor request):

An Act relating to the state capitol committee; requiring that the committee approve state agency contracts for professional consulting services; adding new sections to chapter 43.34 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3052, by Senators Francis, Atwood, Lewis (Harry), Durkan and Grant:

An Act relating to the protection of the rights of the owner of a sound recording; adding a new chapter to Title 19 RCW; and providing penalties.
 Referred to Judiciary Committee.

SENATE BILL NO. 3053, by Senator Day:

An Act relating to mental institutions; and amending section 71.12.455, chapter 25, Laws of 1959 and RCW 71.12.455.
 Referred to Committee on Social and Health Services.

SENATE BILL NO. 3054, by Senators Durkan, Francis, Whetzel, Ridder and Murray:

An Act relating to government; establishing the office of ombudsman for corrections; adding a new chapter to Title 72 RCW; and providing penalties.
 Referred to Judiciary Committee.

SENATE BILL NO. 3055, by Senators Odegaard, Donohue and Canfield:

An Act relating to revenue and taxation; adding a new section to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW; and declaring an emergency.
 Referred to Committee on Ways and Means.

There being no objection, additional sponsors were permitted on the following Senate bills: 3040, 3042, 3048 and 3054.

MOTIONS

On motion of Senator Connor, the Judiciary Committee was relieved of further consideration of Senate Bill No. 2716.

On motion of Senator Connor, Senate Bill No. 2716 was re-referred to the Committee on Labor.

At 10:45 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 11:35 p.m.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 143, by Senators Bailey and Mardesich: Establishing cut-off dates.

MOTIONS

On motion of Senator Mardesich, Senate Concurrent Resolution No. 143 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the following amendments were adopted:

On page 1, line 16, after "crises," insert "legislative reform, constitutional amendments and bills pertaining to implementing statutes for such constitutional amendments".

On page 1, line 23, after "crises" insert " , legislative reform, constitutional amendments and bills pertaining to implementing statutes for such constitutional amendments".

On page 2, line 4, after "crises" insert " , legislative reform, constitutional amendments and bills pertaining to implementing statutes for such constitutional amendments".

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Atwood:

On page 2, line 7, add the following:

"BE IT FURTHER RESOLVED, That on the thirtieth day of this session, February 12, 1974, the legislature shall adjourn sine die".

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Mardesich yield to a question? Senator, this is a

sine die amendment that we are proposing. We are very enthusiastic about the majority's move to establish a cutoff and we were glad to put our own cutoff resolution down behind yours when we saw that you had taken that proper step. My question is, do you intend to bring this session to a close properly and normally or do you intend to go along with the Speaker of the House and his objectives in delaying legislation until April sometime with an extended session?"

Senator Mardesich: "Mr. President, first of all, Senator Lewis, I think you make an assumption. I know you make an assumption when you suggest that the Speaker intends to delay legislation. I have certainly heard nothing to that effect and I think it is the Speaker's intention to proceed as rapidly and expeditiously as possible. With respect to the issue itself, you are well aware, I am sure, that when we were here last time establishing this system of continuing sessions and all that we agreed and in fact did authorize a session or sessions, which was the debate, it was left up in the air, we agreed that in 1974 we would limit ourselves to forty days all to take place prior to the April 30 deadline. It is our intention on this side to move as expeditiously as possible and that is why we have adopted these cutoffs. It has always been my position, as I think you are well aware when we met with the Governor with respect to this matter and he gave us some previews of his budget, this issue came up. I said at that time that as far as I am concerned we are going to work as hard as we can to finish this thing as rapidly as we can. And I had expressed the hope even that it might not take thirty days, but of course there is a great amount of legislation that has been introduced. We have some very serious problems with respect to the energy situation and it will take us some time to consider that. On the other hand, I did say that if it appeared to us that it was necessary, if for some reason we did not have the factual basis, the best factual basis available to use as a basis for acting, then I would not object to a session later. Believe me, I am the last one in the world to want to keep coming to Olympia every other day. I have things to do, as many of you do. It is difficult, it is a bad time of the year for farmers and when you get into the spring it is a bad time of the year for fishermen. When people do not know in their professions when they are going to be called to Olympia they have scheduling problems. I am aware of all that. And it is our intention to address ourselves to finishing this session up if we can. If it is at all possible we will. However, one subject did come up and that was the question of vetoes. We thought that if for no other reason we would work it this way. If there were vetoes then we might, that is again might, subject to further discussion, recess for a period of time, five days or so after the session, come back perhaps on a weekend following and address ourselves to the question of vetoes. The argument used against that was that we can consider the vetoes when you come back next January. But the fact is next January there may be a change in the membership of this place and I think that those of you who vote on bills now have the right to vote with respect to those vetoes. And that was one of the main reasons we left this open."

POINT OF INQUIRY

Senator Lewis (Harry): "Thank you, Senator Mardesich. Your answer, as I understand it, is that you would like to play it loose. You are not really looking for a solid termination date? That is my understanding."

Senator Mardesich: "Let me reiterate. All I am saying is the sooner the quicker. If we can get done in less than thirty days I will be the first one to stand up and make the motion."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Lewis yield to a question? Senator Lewis, is February 13 the thirtieth day of the session? I was just counting up on the calendar. I did not know whether I had the right calendar or not and whether your amendment was in shape. You say the thirtieth and then you specify February 13."

Senator Lewis (Harry): "Senator, I believe you are correct and if the Clerk or the Governor would permit an oral amendment, we will change that to the 12th."

POINT OF INQUIRY

Senator Newschwander: "Will Senator Bailey yield to a question? You know in '70 we came for thirty days and stayed thirty-six, '72 we stayed finally, I think, forty-four days. Regardless of the number of days we stay this time, will there be a sine die or are we going to recess until April?"

Senator Bailey: "I wish I knew that. Actually we have discussed this with the House and are not in disagreement in wanting to finish this job this session and if there is a need for another session we will have to negotiate the other session later on. After hearing Senator Jackson yesterday I am convinced that maybe we will not have the data for the energy crisis until later. Maybe we will but we are not going to close the door on that but not deliberately plotting for an April session. Our feeling over here is we want to finish the budget bill and we have found some general agreement. We are not in any fight with the House on this. We are talking in a very friendly fashion. They are taking some of our ideas but we do not want to close the door so tight that we say to you that there will be no April session."

MOTION

On motion of Senator Bailey, Engrossed Senate Concurrent Resolution No. 143 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 142, by Senators Lewis (Harry), Atwood and Matson:

Prescribing dates for the consideration of bills and adjournment sine die.

MOTION

On motion of Senator Atwood, Senator Concurrent Resolution No. 142 was referred to the Committee on Rules.

MOTION

Senator Lewis (Harry) moved adoption of the following resolution:

SENATE RESOLUTION 1974-164

By Senators Atwood and Lewis (Harry):

BE IT RESOLVED By the Senate of the State of Washington, in legislative session assembled that the rules of the Senate adopted at the regular session of the Forty-third Legislature be adopted as the rules of the Senate during the Third Extraordinary Session of the Forty-third Legislature.

Debate ensued.

MOTION

Senator Bailey moved that Senate Resolution 1974-164 be referred to the Committee on Rules.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Bailey yield to a question? Senator Bailey, would you consider an amendment to your motion to have the Rules Committee report this resolution back out to the floor promptly within five days? If you would do that, I would certainly like to go along with your motion. If you would not go along with that suggestion,

then I would assume that you do not want the Senate to operate with rules and I predict that we will not operate with rules during this session whatsoever. If you would go along with the motion to bring it back out by Monday, we would go along with you."

Senator Bailey: "I have no objection to bringing it out. Monday would be better. We hope to have a full calendar on Monday and Tuesday and I hope we do not get involved in two or three days of wasting our time on internal problems and forgetting the public's desire on some of their bills. I may not say how I will be glad to report it out, but I do not have to vote for it."

Debate ensued.

MOTION

On motion of Senator Lewis (Harry), the motion by Senator Bailey was amended as follows: "that the committee on rules report to the Senate within five days".

The motion by Senator Bailey, as amended by Senator Lewis (Harry), carried.

Senate Resolution 1974-164 was referred to the Committee on Rules with instructions.

MOTION

Senator Metcalf moved adoption of the following resolution:

SENATE RESOLUTION 1974-166

By Senators Metcalf and Stortini:

WHEREAS, The State of Washington requires private institutions to meet and maintain certain minimum standards; and

WHEREAS, The fire standards are required to protect the best interests of the residents and of the state;

NOW, THEREFORE, BE IT RESOLVED, That it is the will of the Senate that all State of Washington institutions meet all standards required of any private institutions or organizations.

MOTION

Senator Atwood moved that Senate Resolution 1974-166 be referred to the Committee on Ways and Means.

POINT OF INQUIRY

Senator Canfield: "Will Senator Metcalf yield? Senator Metcalf, you mention in this resolution fire standards in your second 'Whereas' but your resolution says 'to meet all standards.' I do not know why you bring in fire there. You are talking about all standards, are you not?"

Senator Metcalf: "I am referring to all standards. The fire standards are the ones that perhaps are the ones we are thinking about right at this time."

Senator Canfield: "But your resolution does not restrict itself to fire standards?"

Senator Metcalf: "No, it does not. That would be brought out in Ways and Means."

Senator Canfield: "Thank you."

The motion by Senator Atwood carried. Senate Resolution 1974-166 was referred to the Committee on Ways and Means.

MOTION

Senator Keefe moved adoption of the following resolution:

SENATE RESOLUTION 1974-167

By Senators Donohue, Canfield, Keefe, Sandison, Atwood, Bailey, Bottiger, Clarke,

Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody.

WHEREAS, One of the West's most prominent sports personalities, Orin E. "Babe" Hollingbery, passed away at Yakima, Washington, Saturday, January 12th, bringing sorrow to every citizen of this State and more particularly, to sports fans of whatsoever hue; and

WHEREAS, Washington State University became known throughout the United States during Mr. Hollingbery's reign as head coach from 1926 through 1942, their mighty Cougars meeting Alabama in the Rose Bowl on New Year's Day, 1931; and

WHEREAS, "Babe" Hollingbery's fantastic win-loss record at Washington State University was only secondary to his overall coaching record, taking into account his college, high school, club and service team coaching, including his Shrine game participation, wherein overall he had 203 wins, 72 losses and 18 ties; and

WHEREAS, Coach Hollingbery, as the initial head coach for the West in the Annual Shrine East-West Game in 1925, filled that same position for 19 consecutive years, winning 11 games, losing 4, and tying 4, but more importantly, established this annual football game, which has raised millions of dollars for our nation's crippled children and been an inspiration to participating athletes, as a "must" for every football fan in the Nation to view, whether at the Stadium in San Francisco or over the national TV network; and

WHEREAS, In addition to such participation as coach, Mr. Hollingbery, with life membership in three Shrine Temples, was on the Shrine committee for the East-West game since its inception, missing only 2 of such games during this period; and

WHEREAS, Coach Hollingbery's stature as a sports figure was not relegated to the single sport of football, as the Hollingbery Field House at Washington State University so amply exemplifies, for "Babe" devoted talent, money and time to professional baseball teams for his neighbor's enjoyment both in Wenatchee and Yakima; and

WHEREAS, Whether acting as co-chairman of a drive to raise money for the rebuilding of the south side of the Stadium at Washington State University, whether engaged in soliciting funds for the Multiple Sclerosis Foundation, or whether journeying to the East to accept membership in the Football National Hall of Fame, "Babe" Hollingbery always represented the finest in manhood, was a great believer in the Youth of this Nation, a firm advocate for this great Western part of the Nation which he loved so well, and a humanitarian of great stature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that our deepest and most sincere regrets as members of this body, upon the passing of this great American sports figure, Orin E. "Babe" Hollingbery, is herewith transmitted to the members of the family of Mr. Hollingbery, his wife, Hazel, at Yakima, and his daughter, Mary Lou, and his two sons, Don, in Moses Lake, and Orin E., Jr., at Yakima; to citizens of this State, now, and in the future, the story of "Babe" Hollingbery is of America itself, at its finest; the crimson and grey hues of the standards at the University whose life he made his own, have never been more bright.

AND BE IT FURTHER RESOLVED, That copies of this Senate Resolution be transcribed and transmitted by the Secretary of the Senate to the members of Mr. Hollingbery's family, and to the President and the Athletic Director of Washington State University.

Appropriate remarks were made by Senators Canfield and Donohue, and also President Cherberg, regarding Orin E. "Babe" Hollingbery.

The motion by Senator Keefe carried and the resolution was unanimously adopted.

MOTIONS

On motion of Senator Mardesich, Senate Resolution 1974-168 was ordered held for consideration under the eighth order of business on Thursday, January 17, 1974.

On motion of Senator Dore, copies of Senate Resolution 1974-169 shall be placed on

each member's desk and the resolution will be considered under the eighth order of business on Thursday, January 17, 1974.

At 12:30 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Thursday, January 17, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, January 17, 1974.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Gregory Smith and Sheila Ferrell, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE HEAR A VOICE IN OUR DAY RESOUNDING ACROSS THE WORLD LIKE A MODERN DAY JEREMIAH OR ISAIAH, THE VOICE OF THE RUSSIAN PATRIOT SOLZHENITSYN. HE REMINDS US THAT THE SUFFERING AND BRUTALITY BEING ENDURED BY HIS PEOPLE TODAY IS 10 TO 100 TIMES WORSE THAN UNDER THE CZAR. INJUSTICE MAKES PEOPLE BLIND AND HATEFUL AND IN THEIR SELFISHNESS AND ANGER, LIKE JACOB, SELL THEIR FREEDOM FOR RED POTTAGE (GENESIS XXV 29) BECAUSE AS WE READ 'HE WAS FAMISHED'. GRANT TO ALL OUR LEGISLATORS THE WISDOM TO ENACT LAWS THAT WILL GIVE OUR PEOPLE FAITH IN OUR INSTITUTIONS OF FREE GOVERNMENT LEST THROUGH NEGLECT THEY TOO BECOME FAMISHED AND SELL THEIR PRECIOUS FREEDOM FOR A POTTAGE OF LENTILS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 1974.

REENGROSSED SENATE BILL NO. 2004, providing for a state lottery (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.
Passed to Committee on Rules for second reading.

January 16, 1974.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2132, providing for a state criminal justice training commission (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Murray, Ridder, Talley, Whetzel.

Passed to Committee on Rules for second reading.

January 16, 1974.

SENATE BILL NO. 2318, requiring the regional plans and programs of regional planning commissions to conform to those of counties and municipalities within the region, to the extent the commission's position cannot be justified to the county or municipality (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 16, 1974.

SENATE BILL NO. 2329, providing for changes in the legal services revolving fund (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 16, 1974.

ENGROSSED SENATE BILL NO. 2408, authorizing remedies and penalties for violation of municipal competitive bidding requirements (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 16, 1974.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2843, authorizing counties, cities and towns to participate in and implement federally-assisted grant-in-aid programs (reported by Committee on Local Government):

MAJORITY recommendation: That Third Substitute Senate Bill No. 2843 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 16, 1974.

SENATE BILL NO. 2937, authorizing cities to expend funds for legal aid (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley, Whetzel.

Passed to Committee on Rules for second reading.

January 16, 1974.

SENATE BILL NO. 2989, authorizing members of legislative bodies of cities and towns to serve as volunteer firemen and receive like compensation and benefits as others so employed (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley, Whetzel.

Passed to Committee on Rules for second reading.

January 16, 1974.

SENATE BILL NO. 3041, supplementing laws relating to charter amendments in cities of 300,000 population or over (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 16, 1974.

SENATE JOINT RESOLUTION NO. 143, proposing an amendment to the Washington Constitution on qualifications of electors (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mrs. Edith Kogenhop, appointed November 29, 1973 for a term ending January 4, 1977, succeeding Jack Mullin as a member of the State Personnel Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mr. Norward Brooks, appointed January 1, 1974 for a term ending at the pleasure of the Governor, succeeding Maxine Daly as Commissioner of the Department of Employment Security.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Labor.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mr. H. H. Howell, appointed November 15, 1973 for a term ending December 31, 1974, succeeding John Long as a member of the Washington State Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Ray E. Davis, appointed October 17, 1973 for a term ending June 30, 1979,
succeeding himself as a member of the Washington State Canal Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. John A. Earley, appointed October 17, 1973 for a term ending June 30, 1979,
succeeding himself as a member of the Washington State Canal Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. Daniel V. Carbone, appointed October 25, 1973 for a term ending April 3, 1976,
succeeding George French as a member of the Board of Trustees of Community College
District No. 6, Seattle Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Virginia Gregson, appointed December 31, 1973 for a term ending December 31,
1978, succeeding Fred Haley as a member of the Public Disclosure Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Constitution and Elections.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
William H. Lawrence, Ph.D., appointed December 6, 1973 for a term ending April 3,
1974, succeeding Tom Koenninger as a member of the Board of Trustees of Community
College District No. 12, Centralia Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mr. John W. Colby, appointed December 20, 1973 for a term ending July 16, 1977,
succeeding Paul Bliss as a member of the Hospital Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. William H. Cowles, III, appointed January 1, 1974 for a term ending June 30,
1979, succeeding Mrs. David Gaiser as a member of the Council on Higher Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, January 14, 1974.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
Mrs. Helen Thompson, appointed January 7, 1974 for a term ending June 30, 1977,
succeeding Goodwin Chase as a member of the Council on Higher Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

January 17, 1974.

Mr. President: The House has adopted ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 143, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3056, by Senators Atwood, Woody and Day:

An Act relating to county government; providing for initiative and referendum; and
adding a new chapter to Title 36 RCW.

MOTION

On motion of Senator Fleming, Senate Bill No. 3056 was referred to the Committee on
Constitution and Elections.

SENATE BILL NO. 3057, by Senators Atwood, Donohue and Francis:

An Act relating to embalmers and funeral directors; adding new sections to chapter
18.39 RCW; repealing section 1, chapter 108, Laws of 1937, section 1, chapter 107, Laws of
1965 ex. sess. and RCW 18.39.010; repealing section 2, chapter 108, Laws of 1937 and
RCW 18.39.020; repealing section 2, chapter 52, Laws of 1955, section 2, chapter 107,

Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030; repealing section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120, Laws of 1972 ex. sess. and RCW 18.39.040; repealing section 6, chapter 108, Laws of 1937, section 8, chapter 266, Laws of 1971 ex. sess. and RCW 18.39.050; repealing section 5, chapter 108, Laws of 1937, section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070; repealing section 3, chapter 52, Laws of 1955 and RCW 18.39.080; repealing section 7, chapter 108, Laws of 1937 and RCW 18.39.100; repealing section 10, chapter 108, Laws of 1937 and RCW 18.39.120; repealing section 15, chapter 108, Laws of 1937 and RCW 18.39.130; repealing section 8, chapter 108, Laws of 1937 and RCW 18.39.150; repealing section 12, chapter 108, Laws of 1937 and RCW 18.39.160; repealing section 16, chapter 108, Laws of 1937 and RCW 18.39.170; repealing section 11, chapter 108, Laws of 1937 and RCW 18.39.180; repealing section 9, chapter 108, Laws of 1937 and RCW 18.39.190; repealing section 15, chapter 215, Laws of 1909 and RCW 18.39.210; repealing section 13, chapter 108, Laws of 1937 and RCW 18.39.220; repealing section 17, chapter 108, Laws of 1937 and RCW 18.39.230; repealing section 18, chapter 108, Laws of 1937 and RCW 18.39.900; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 3058, by Senators von Reichbauer, Clarke and Bottiger:

An Act relating to the Washington state school directors' association; and amending section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 184, Laws of 1969 ex. sess. and RCW 28A.61.030.

Referred to Committee on Education.

SENATE BILL NO. 3059, by Senators Walgren, Whetzel and Murray:

An Act relating to airports; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3060, by Senators Metcalf and von Reichbauer:

An Act relating to signs on school bus stop shelters; and amending section 4, chapter 96, Laws of 1961 as amended by section 4, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.040.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3061, by Senators Henry, Washington and Sellar:

An Act relating to joint operating agencies (power commission); and amending section 43.52.300, chapter 8, Laws of 1965 and RCW 43.52.300.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3062, by Senators Lewis (Harry) and Sandison:

An Act relating to the institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for said institutions of higher education; providing for the financing thereof by the issuance of bonds; adding new sections to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3063, by Senator Durkan:

An Act relating to business and occupation taxes; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3064, by Senators Marsh and Atwood:

An Act relating to state government; creating the data processing revolving fund; adding a new section to chapter 43.105 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3065, by Senators Day, Van Hollebeke and Jones:

An Act relating to public health, safety, and welfare; amending section 2, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.540; amending section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560 and adding a new section to chapter 74.08 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3066, by Senators Van Hollebeke and Dore:

An Act relating to charitable solicitations.

Referred to Judiciary Committee.

SENATE BILL NO. 3067, by Senators Henry, Peterson (Lowell), Durkan, Guess and Talley:

An Act relating to the public employees' retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010; and amending section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.120.

Referred to Committee on State Government.

SENATE BILL NO. 3068, by Senators Bottiger, Dore, Clarke, Francis and Marsh:

An Act relating to motor vehicles; authorizing law enforcement officers to make arrests on probable cause at the scene of a motor vehicle accident; prescribing an effective date; and adding a new section to chapter 46.61 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3069, by Senators Donohue, Durkan, Day and Odegaard:

An Act relating to excise taxes; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; amending section 32, chapter 180, Laws of 1935 as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030; declaring an emergency, and making an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3070, by Senators Guess, Keefe and Lewis (R. H. "Bob"):

An Act relating to the Expo '74 commission; and amending section 4, chapter 1, Laws of 1971 ex. sess. and RCW 43.96B.040.

Referred to Committee on State Government.

SENATE BILL NO. 3071, by Senators Connor, Dore, Herr, Greive, Peterson (Ted), Mardesich, Durkan and Sandison:

An Act relating to ticket sales; adding a new section to chapter 9.45 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 3072, by Senator Woody:

An Act relating to fees in civil actions; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3073, by Senator Day:

An Act relating to the alcoholic beverage tax.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3074, by Senator Day:

An Act relating to the liquor control board.

Referred to Committee on State Government.

SENATE BILL NO. 3075, by Senators Peterson (Ted), Knoblauch and Rasmussen:

An Act relating to veterans' estates; and amending section 1, chapter 4, Laws of 1972 ex. sess. and RCW 73.04.130.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3076, by Senators Dore, Mardesich and Day:

An Act relating to noise abatement and control; adding new sections to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW; providing penalties and declaring an emergency.

MOTION

On motion of Senator Washington, Senate Bill No. 3076 was referred to the Committee on Ecology.

SENATE BILL NO. 3077, by Committee on Agriculture (endorsed by Senators Jolly, Sellar, Washington, Day, Donohue and Matson):

An Act relating to identification of horses; and adding new sections to chapter 16.57 RCW.

Referred to Committee on Rules.

SENATE BILL NO. 3078, by Committee on Agriculture (endorsed by Senators Jolly, Sellar, Day, Donohue and Washington):

An Act relating to commission merchants; amending section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 182, Laws of 1971 1st ex. sess. and RCW 20.01.010; amending section 4, chapter 139, Laws of 1959 as amended by section 3, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.040; amending section 6, chapter 139, Laws of 1959 as amended by section 4, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.060; amending section 5, chapter 232, Laws of 1963 as amended by section 8, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.210; amending section 37, chapter 139, Laws of 1959 as last amended by section 3, chapter 232, Laws of 1963 and RCW 20.01.370, amending section 42, chapter 240, Laws of 1967 and RCW 20.01.385; amending section 43, chapter 139, Laws of 1959 and RCW 20.01.430; and adding a new section to chapter 20.01 RCW.

Referred to Committee on Rules.

SENATE BILL NO. 3079, by Committee on Agriculture (endorsed by Senators Jolly, Sellar, Matson, Day, Donohue and Washington):

An Act relating to estrays; amending section 1, chapter 31, Laws of 1951 and RCW 16.13.010; amending section 2, chapter 31, Laws of 1951 and RCW 16.13.020; amending section 3, chapter 31, Laws of 1951 and RCW 16.13.030; amending section 4, chapter 31, Laws of 1951 and RCW 16.13.040; amending section 6, chapter 31, Laws of 1951 and RCW 16.13.060; repealing section 2, chapter 22, Laws of 1957 and RCW 16.28.010; repealing section 1, chapter 23, Laws of 1905 and RCW 16.28.020; repealing section 2, chapter 23, Laws of 1905 and RCW 16.28.030; repealing section 3, chapter 22, Laws of 1957 and RCW 16.28.040; repealing section 13, chapter 23, Laws of 1905 and RCW 16.28.050; repealing section 4, chapter 23, Laws of 1905, section 1, chapter 31, Laws of 1943 and RCW 16.28.060; repealing section 5, chapter 23, Laws of 1905, section 2, chapter 148, Laws of 1919, section 1, chapter 122, Laws of 1925 ex. sess. and RCW 16.28.070; repealing section 7, chapter 23, Laws of 1905 and RCW 16.28.080; repealing section 8, chapter 23, Laws of 1905 and RCW 16.28.085; repealing section 9, chapter 23, Laws of 1905, section 1, chapter 123, Laws of 1909 and RCW 16.28.090; repealing section 10, chapter 23, Laws of 1905 and RCW 16.28.100; repealing section 14, chapter 23, Laws of 1905 and RCW 16.28.110; repealing section 11, chapter 23, Laws of 1905, section 2, chapter 123, Laws of 1909 and RCW 16.28.120; repealing section 12, chapter 23, Laws of 1905 and RCW 16.28.130; repealing section 6, chapter 23, Laws of 1905 and RCW 16.28.140; repealing section 15, chapter 23, Laws of 1905 and RCW 16.28.150; repealing section 2537, Code of 1881, section 14, chapter 199, Laws of 1969 ex. sess. and RCW 16.28.160; repealing section 1,

chapter 12, Laws of 1891 and RCW 16.28.165; and repealing section 2, chapter 12, Laws of 1891 and RCW 16.28.170.

Referred to Committee on Rules.

SENATE BILL NO. 3080, by Committee on Agriculture (endorsed by Senators Jolly, Sellar, Donohue, Day, Washington and Matson):

An Act relating to livestock brands; amending section 4, chapter 54, Laws of 1959 and RCW 16.57.040; amending section 8, chapter 54, Laws of 1959 as last amended by section 2, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.080; amending section 9, chapter 54, Laws of 1959 as amended by section 2, chapter 66, Laws of 1965 and RCW 16.57.090; amending section 14, chapter 54, Laws of 1959 and RCW 16.57.140; amending section 15, chapter 54, Laws of 1959 and RCW 16.57.150; adding a new section to chapter 54, Laws of 1959 and to chapter 16.57 RCW; and declaring an emergency.

Referred to Committee on Rules.

SENATE BILL NO. 3081, by Senators Lewis (Harry), Guess, Metcalf, Lewis (R. H. "Bob"), Canfield and Jones:

An Act relating to the budget and accounting system; adding new sections to chapter 43.88 RCW; prescribing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3082, by Senators von Reichbauer, Murray and Ridder:

An Act relating to education; requiring rules and regulations relative to the distribution of school district publications describing student responsibilities and rights and school personnel rights with respect thereto; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3083, by Senator Woody:

An Act relating to jury fees; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3084, by Senator Day:

An Act relating to mentally disordered persons.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3085, by Senators Dore, Mardesich, Marsh, Van Hollébeke, von Reichbauer, Connor, Peterson (Lowell), Ridder, Stortini, Keefe and Walgren:

An Act relating to motor vehicle casualty insurance; creating new sections; and declaring an emergency.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3086, by Senators Mardesich, Woody and Ridder:

An Act relating to personality testing; adding new sections to chapter 9.73 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 3087, by Senators Day and Jones:

An Act relating to physicians and surgeons; providing for the conditional licensing of certain employees of either the department of social and health services or county or city health departments to practice medicine and surgery; and amending section 1, chapter 189, Laws of 1959 as last amended by section 1, chapter 4, Laws of 1973 1st ex. sess. and RCW 18.71.095.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3088, by Senators Washington, Jolly, Matson and Donohue:

An Act relating to livestock; adding a new section to chapter 16.57 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3089, by Senator Day:

An Act relating to community based corrections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3090, by Senators Durkan, Walgren and Keefe:

An Act relating to prosecuting attorneys; amending section 36.27.040, chapter 4, Laws of 1963 and RCW 36.27.040; amending section 36.17.020, chapter 4, Laws of 1963 as last amended by section 2, chapter 88, Laws of 1973 1st ex. sess. and RCW 36.17.020; amending section 36.27.020, chapter 4, Laws of 1963 and RCW 36.27.020; amending section 5, chapter 126, Laws of 1921 as amended by section 13, chapter 81, Laws of 1971 and RCW 2.48.200; and adding a new section to chapter 36.27 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3091, by Senators Dore and Mardesich:

An Act relating to services provided to the state; and creating a new chapter in Title 39 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3092, by Senators Durkan and Scott (by Office of Program Planning and Fiscal Management request):

An Act relating to state government; abolishing certain accounts within the state general fund and transferring moneys thereto; adding new sections to chapter 43.79 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3093, by Senator Woody:

An Act relating to civil procedure; and amending section 3, chapter 65, Laws of 1921 and RCW 4.64.100.

Referred to Judiciary Committee.

SENATE BILL NO. 3094, by Senators Mardesich, Woody and Francis:

An Act relating to criminal record information; amending section 2, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.705; amending section 7, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.730; amending section 9, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.740; adding a new chapter to Title RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3095, by Senators Mardesich, Woody and Francis:

An Act relating to credit information; adding a new chapter to Title 19 RCW; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3096, by Senator Rasmussen:

An Act relating to state agency housing; and amending section 43.82.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1969 and RCW 43.82.010.

Referred to Committee on State Government.

SENATE BILL NO. 3097, by Senators Donohue, Odegaard, Durkan, Day, Woody, Bailey, Bottiger, Connor, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren and Washington:

An Act relating to real property taxes; amending section 5, chapter 288, Laws of 1971

ex. sess. as amended by section 3, chapter 126, Laws of 1972 ex. sess. and RCW 84.36.380; adding a new section to chapter 84.36 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3098, by Senators Donohue, Durkan, Day and Woody:

An Act relating to excise taxes; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; amending section 32, chapter 180, Laws of 1935 as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030; adding new sections to chapter 82.01 RCW; prescribing penalties; and making an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3099, by Senator Woody:

An Act relating to fees in civil cases; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3100, by Senators Durkan, Donohue, Sandison and Lewis (Harry):

An Act relating to the support of state government and authorizing the transfer of state funds; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 145, by Senator Grant:

Amending the Constitution relating to legislative salaries.

MOTION

On motion of Senator Durkan, Senate Joint Resolution No. 145 was referred to the Committee on Constitution and Elections.

There being no objection, additional sponsors were permitted on the following Senate bills: 3067, 3068, 3069, 3071, 3085, 3088, 3097, 3098 and 3100.

PERSONAL PRIVILEGE

Senator Rasmussen: "Senator Lewis, you will recall a resolution was referred to the State Government Committee and they have been working industriously on it in the interim and we are just about ready to produce some results. This is the one that was praising President Nixon, 'You will be equally successful in guiding the internal affairs of this nation to achieve domestic tranquility, full employment and prosperity for all,' and the committee is a little bit uncertain because Governor Evans in a recent statement advised the President to come clean. And then in the paper I noticed a little item, 'special Evans fund keeps getting fed by friends,' and my question for the State Government Committee which is very energetic in working on this is, should we include Governor Evans' statement, 'Come clean, Richard Milhouse Nixon,' in the resolution and should we make any reference to the special fund that reminds the committee a little bit of the Checkers fund the President had one time when he was on TV explaining to his dog what the fund was used for? We are just wondering if you still would like to have the resolution as written on the domestic tranquility and come clean in government. Could you advise the committee a little bit so we can continue work?"

Debate ensued.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the following resolution:

SENATE RESOLUTION 1974-168

By Senators Rasmussen, Peterson (Ted), Washington, von Reichbauer, Ridder and Newschwander and Durkan:

WHEREAS, The Washington State Highway Commission is currently considering whether to allow the operation of longer combinations of trucks, tractors, trailers, and semitrailers on the highways of this State; and

WHEREAS, These longer combinations, commonly called triple trailers, may be as long as one hundred and five feet in overall length; and

WHEREAS, The extreme length of such longer combinations makes them hazardous for the men who must drive them; and

WHEREAS, Their extreme length makes such longer combinations hazardous to motorists who must operate their vehicles on the same highways; and

WHEREAS, The weight of such longer combinations under load makes them overly destructive of the highways of this State; and

WHEREAS, On January 22, of this year, the Highway Commission is holding a hearing to determine whether such longer combinations shall be allowed to be operated by special permit on the highways of this State;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the operation of such longer combinations on the highways of this State would be detrimental to the best interests of the people of this State; and

BE IT FURTHER RESOLVED, That it is the belief and desire of the Senate that the Highway Commission should not permit the operation of such longer combinations on the highways of this State; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Governor of the State of Washington, and to the Washington State Highway Commission.

MOTION

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

On page 1, on line 14, strike "and", and beginning on line 15 strike all the material through "State;" on line 18.

MOTION

Senator Walgren moved that Senate Resolution 1974-168 be referred to the Committee on Transportation and Utilities.

Debate ensued.

The motion by Senator Walgren carried. Senate Resolution 1974-168, as amended, was referred to the Committee on Transportation and Utilities.

MOTION

On motion of Senator Lewis (R. H. "Bob"), the following resolution was adopted:

SENATE RESOLUTION 1974-170

By Senators Lewis (R. H. "Bob"), Fleming and Jolly:

WHEREAS, Townships have been dissolved in all counties of the state except Spokane County; and

WHEREAS, Most townships in Spokane County are either totally inactive or are no longer able to conduct business due to loss of revenue;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Senate Committee on Local Government is hereby authorized to conduct a study and formulate recommendations concerning whether the township form of local government should be modified or repealed.

MOTION

Senator Lewis (Harry) moved that the following resolution be considered on Friday, January 18, 1974:

SENATE RESOLUTION 1974-169

By Senators Dore and Van Hollenbeke:

WHEREAS, It has been reported by one of the great metropolitan newspapers of the state that Governor Evans is maintaining a secret personal expense operating fund; and

WHEREAS, The very concept of such a fund violates the letter and the spirit of Initiative 276; and

WHEREAS, The chief executive of this state should above all be above suspicion; and WHEREAS, In the interest of clean government Governor Evans should immediately release the names of the secret contributors to this fund and the amounts contributed thereto by individual and corporate donors in order to clear the governor's office of any suspicion of illegal influence peddling; and

WHEREAS, The governor's office should set a good example to be emulated by all officials and legislators; and

WHEREAS, We cannot afford a "Watergate" in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the public disclosure commission as an item of first priority should forthwith investigate the legality of the Governor's secret fund and ascertain whether the disclosures required by Initiative 276 have been made; and

BE IT FURTHER RESOLVED, That the public disclosure commission shall report its findings together with its recommendations relating thereto to the third extraordinary session of the forty-third legislature.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, under first reading, under the rules, would it require a reading before you can consider it presented to the Senate? We have not read the last line or anything and it would seem to me to properly present it to the Senate that the resolution must be read according to our rules and our customary procedure."

REPLY BY THE PRESIDENT

The President: "The President believes that former rules require that it be read."

MOTION

At 10:53 a.m., on motion of Senator Atwood, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

The President declared the question before the Senate to be the motion by Senator Lewis (Harry) that Senate Resolution 1974-169 be considered on Friday, January 18, 1974.

Debate ensued.

There being no objection, the motion by Senator Lewis (Harry) was withdrawn.

MOTION

On motion of Senator Mardesich, Senate Resolution 1974-169 will be considered under the eighth order of business on Friday, January 18, 1974.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 143.

MOTION

At 12:15 p.m. on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Friday, January 18, 1974.

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

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, January 18, 1974.

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 Greive. There being no objection, Senator Greive was excused.

The Color Guard, consisting of Pages Gregory Smith and Karol Kolcz, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE RECALL TODAY THE MOST FAMOUS OF THE BIBLICAL STORIES ABOUT A TRAVELER WHO JUDICIOUSLY AND WISELY CARRIED WITH HIM OIL AND WINE. WHEN HE DISCOVERED ANOTHER HUMAN BEING HURTING AND HELPLESS HE DISMOUNTED AND QUICKLY TOOK FROM HIS TRAVELING BAG THE TWO BOTTLES OF WINE AND OIL, TO POUR THEIR CONTENTS ON THE GAPING, FLY-COVERED WOUNDS OF THE MAN ON THE ROADSIDE. HELP OUR LEGISLATORS TO SEARCH OUT WAYS AND MEANS, THROUGH GOOD LEGISLATION, TO POUR OIL AND WINE ON THE WOUNDS OF THOSE WHO ARE HELPLESS AND HURT IN OUR STATE AND WHO LOOK TO THESE LEGISLATORS WITH HOPE AND TRUST TO BE THE MINISTERS OF HELP AND HEALING IN OUR DAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 1974.

SUBSTITUTE SENATE BILL NO. 2120, imposing additional duties on council on

higher education relating to technological education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE BILL NO. 2416, implementing the law relating to motor vehicle theft (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Clarke, Dore, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 17, 1974.

ENGROSSED SENATE BILL NO. 2551, prescribing purposes for which motor vehicle funds may be expended (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Jolly, Peterson (Lowell), Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE BILL NO. 2574, providing for master degree of social work at Eastern Washington State College (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

January 18, 1974.

SENATE BILL NO. 2946, relating to certain public lands (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Canfield, Jones, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE BILL NO. 3003, making general revisions to the election laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Constitution and Elections.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Fleming, Grant, Marsh, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Scott, Woody.

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE BILL NO. 3032, authorizing acceptance, management and expenditure by school district boards of directors of gifts and conveyances (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3032 be substituted therefor and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE BILL NO. 3037, requiring that "no smoking" areas be designated on state ferries (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Jolly, Peterson (Lowell), Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE BILL NO. 3100, transferring funds for the state patrol (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Fleming, Lewis (Harry), Marsh, Rasmussen, Sandison, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 17, 1974.

Mr. President: The House has passed:

REENGROSSED HOUSE BILL NO. 87,

ENGROSSED HOUSE BILL NO. 139,

ENGROSSED HOUSE BILL NO. 515,

SUBSTITUTE HOUSE BILL NO. 530,

HOUSE BILL NO. 566,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3101, by Senators Durkan, Donohue, Atwood and Lewis (Harry):

An Act relating to the attachment of fiscal notes to bills and resolutions of the legislature; amending section 8, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.100 and adding a new chapter to Title 44 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3102, by Senators von Reichbauer and Grant:

An Act relating to United States senators; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; and providing for the submission of this act to a vote of the people.

Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator von Reichbauer, Senator Grant was permitted as an additional sponsor to Senate Bill No. 3102.

SENATE BILL NO. 3103, by Senator Day:

An Act relating to the healing arts.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3104, by Senator Day:

An Act relating to the healing arts.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3105, by Senator Walgren:

An Act relating to thermal power plants and associated transmission lines.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3106, by Senators Walgren, Wanamaker, Sellar, Lewis (R. H. "Bob"), Knoblauch, Washington, Guess, Peterson (Lowell), Bottiger, Jolly, Henry and Keefe:

An Act relating to motor vehicles; amending section 1, chapter 16, Laws of 1963 as amended by section 54, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.400; amending section 3, chapter 16, Laws of 1963 as last amended by section 1, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 and RCW 46.61.415; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3107, by Senator Walgren:
An Act relating to thermal power plants and associated transmission lines.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3108, by Senator Walgren:
An Act relating to highways.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3109, by Senator Walgren:
An Act relating to transportation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3110, by Senator Walgren:
An Act relating to highways.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3111, by Senator Walgren:
An Act relating to transportation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3112, by Senator Walgren:
An Act relating to utilities.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3113, by Senator Walgren:
An Act relating to utilities.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3114, by Senator Walgren:
An Act relating to transportation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3115, by Senator Matson:
An Act relating to labor relations.
Referred to Committee on Labor.

SENATE BILL NO. 3116, by Senators Walgren and Peterson (Lowell):
An Act relating to commercial herring fishing; and amending section 4, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.420.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3117, by Senators Newschwander and Stortini:
An Act relating to alcoholic beverages; amending section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section

1, chapter 117, Laws of 1969 and RCW 66.24.320; amending section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1973 as last amended by section 15, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.330; amending section 23-0 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 4, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.340; amending section 23-P added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 5, chapter 75, Laws of 1967 and RCW 66.24.350; and amending section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 as amended by section 1, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.400.

Referred to Committee on State Government.

SENATE BILL NO. 3118, by Senator Bottiger:

An Act relating to highway safety.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3119, by Senator Clarke:

An Act relating to financial institutions; providing for establishment of limited service branches for mutual savings banks and savings and loan institutions; adding new sections to chapter 32.04 RCW; and adding new sections to chapter 33.08 RCW,

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3120, by Senators Francis, Van Hollebeke, Greive and Dore:

An Act relating to deeds of trust; amending section 4, chapter 74, Laws of 1965 as amended by section 1, chapter 30, Laws of 1967 and RCW 61.24.040; amending section 5, chapter 74, Laws of 1965 and RCW 61.24.050; and adding new sections to chapter 74, Laws of 1965 and to chapter 61.24 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3121, by Senators Francis and Van Hollebeke:

An Act relating to municipal courts; and adding a new section to chapter 35.20 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3122, by Senator Twigg:

An Act relating to licenses for the sale of alcoholic beverages; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 10, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.010; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3123, by Senator Murray:

An Act relating to certain employer-employee relations between school districts and their certificated personnel; amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020; amending section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065; amending section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010; amending section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; amending section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030; amending section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100; adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 3124, by Senators Francis and Atwood:

An Act relating to retirement of judges; adding a new section to chapter 229, Laws of 1937 and to chapter 2.12 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3125, by Senator Francis:

An Act relating to motor vehicle fund distribution; and amending section 4, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.050.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3126, by Senator Matson:

An Act relating to environmental quality and providing for the control of air pollution.

Referred to Committee on Ecology.

SENATE BILL NO. 3127, by Senator Matson:

An Act relating to surety bonds for exempt carriers.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3128, by Senator Day:

An Act relating to alcoholism.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3129, by Senator Walgren:

An Act relating to public lands; amending section 94, chapter 255, Laws of 1927 and RCW 79.01.376; defining crimes; adding new sections to chapter 79.01 RCW; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3130, by Senator Walgren:

An Act relating to the Clearcreek interchange; making an appropriation; creating new sections; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3131, by Senators Sandison and Odegaard:

An Act relating to education; amending 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; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3132, by Senators Jones, Lewis (R. H. "Bob"), Scott, Greive, Grant, Whetzel, Fleming and Washington (by Executive request):

An Act relating to prescription drugs; adding a new chapter to Title 18 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Washington was permitted as an additional sponsor on Senate Bill No. 3132.

SENATE BILL NO. 3133, by Senators Newschwander, Lewis (Harry), Atwood, Twigg, Scott, Matson, Wanamaker, Sellar, Guess and Peterson (Ted) (by Executive request):

An Act relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; amending sections 82.12.030, chapter 15, Laws of 1961, as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030; adding new sections to chapter 15, Laws of 1961 and to chapter 84.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3134, by Senators Woody, Whetzel and Van Höllebeke:

An Act relating to filing fees in justice courts; amending section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1969 and RCW 3.62.060,

amending section 111, chapter 299, Laws of 1961 as amended by section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3135, by Senator Durkan:

An Act relating to real property taxes; and amending section 84.41.040, chapter 15, Laws of 1961 as amended by section 7, chapter 288, Laws of 1971 ex. sess. and RCW 84.41.040.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3136, by Senator Day:

An Act relating to the practice of medicine, surgery and osteopathy; adding new sections to chapter 18.57 RCW, adding new sections to chapter 18.71 RCW; and making an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3137, by Senator Day:

An Act relating to professional disciplinary proceedings; amending section 10, chapter 4, Laws of 1919 and RCW 18.57.180; amending section 23, chapter 202, Laws of 1955 and RCW 18.72.230; and amending section 25, chapter 202, Laws of 1955 as amended by section 1, chapter 58, Laws of 1969 and RCW 18.72.250.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3138, by Senator Day:

An Act relating to patient records; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3139, by Senator Day:

An Act relating to the limitation of actions; and adding a new section to chapter 4.16 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 3140, by Senators Scott, Lewis (Harry), Jones, von Reichbauer, Ridder, Fleming and Whetzel (by Executive request):

An Act relating to health care; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3141, by Senator Matson:

An Act relating to unemployment compensation; amending section 78, chapter 35, Laws of 1945 as amended by section 6, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.100; amending section 73, chapter 35, Laws of 1945 as last amended by section 21, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.050; and adding a new section to chapter 50.20 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3142, by Senators Walgren and Sandison:

An Act relating to the ferry and bridge system; and amending section 47.64.010, chapter 13, Laws of 1961 and RCW 47.64.010.

Referred to Committee on State Government.

SENATE BILL NO. 3143, by Senators Day and Donohue:

An Act relating to public hospital districts; amending section 1, chapter 264, Laws of 1945 and RCW 70.44.005; amending section 6, chapter 264, Laws of 1945 as last amended by section 83, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.44.060; amending section 12, chapter 264, Laws of 1945 as last amended by section 2, chapter 65, Laws of

1969 ex. sess. and RCW 70.44.110; amending section 3, chapter 227, Laws of 1967 and RCW 70.44.240; adding new sections to chapter 70.44 RCW; and declaring an emergency.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3144, by Senators Peterson (Lowell), Peterson (Ted) and Talley:
An Act relating to fish and wildlife losses; and amending section 77.12.320, chapter 36, Laws of 1955 and RCW 77.12.320.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3145, by Senators Dore, Woody, Clarke, Jones and Mardesich:
An Act relating to financial institutions; and creating a new chapter in Title 30 RCW.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 3146, by Senators Whetzel, Durkan and Dore:
An Act relating to public buildings; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.58 RCW; and creating a new section.
Referred to Committee on State Government.

SENATE BILL NO. 3147, by Senators Walgren and Woody:
An Act relating to Washington state ferries; adding a new section to chapter 47.60 RCW; and declaring an emergency.
Referred to Committee on Transportation and Utilities.

MOTION

On motion of Senator Walgren, Senator Woody was permitted as an additional sponsor to Senate Bill No. 3147.

SENATE BILL NO. 3148, by Senators Clarke and Matson:
An Act relating to duplication of electric lines and services and service area agreements by public utilities; and amending chapter 54.48 RCW.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3149, by Senators Whetzel, Lewis (Harry) and Bottiger:
An Act relating to state warrants; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.08 RCW.
Referred to Committee on State Government.

SENATE BILL NO. 3150, by Senator Day:
An Act relating to unprofessional medical conduct; amending section 11, chapter 4, Laws of 1919 as amended by section 2, chapter 142, Laws of 1963 and RCW 18.57.170; and amending section 3, chapter 202, Laws of 1955 as amended by section 1, chapter 142, Laws of 1963 and RCW 18.72.030.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3151, by Senator Day:
An Act relating to civil procedure; and amending section 39, page 139, Laws of 1854 as last amended by section 1, chapter 62, Laws of 1891 and RCW 4.32.040.

MOTION

On motion of Senator Francis, Senate Bill No. 3151 was referred to the Judiciary Committee.

SENATE JOINT MEMORIAL NO. 131, by Senators Mardesich, Woody and Atwood;

Requesting that the International Joint Commission delay any decision regarding Point Roberts until after hearing the recommendations of the Washington state legislature.
Referred to Committee on Parks and Recreation.

SENATE CONCURRENT RESOLUTION NO. 144, by Senators Mardesich, Woody and Atwood:

Establishing a select committee to study Point Roberts.
Referred to Committee on Parks and Recreation.

There being no objection, additional sponsors were permitted on the following Senate bills: 3101, 3106, 3120, 3132, 3133, 3140 and 3145.

REENGROSSED HOUSE BILL NO. 87, by Representatives Thompson, Curtis, Chatalas and Matthews (by Legislative Budget Committee request):

Eliminating motor vehicle fuel tax refunds presently available for watercraft in this state.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 139, by Representatives Newhouse, Moon and Williams (by Legislative Council request):

Taxing telegraph company property as real property and apportioning the revenues amongst the taxing districts on the basis of the situs of equipment.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 515, by Representatives Martinis, Johnson and Juelling:

Pertaining to public work contracts in first class cities.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 530, by Committee on Agriculture (originally sponsored by Representatives Van Dyk, Benitz, Kilbury, Amen and Bauer):

Changing the laws relating to commission merchants.

Referred to Committee on Agriculture.

HOUSE BILL NO. 566, by Representatives Ceccarelli, Barden and Chatalas:

Requiring savings and loan associations to pay for the cost of state supervision.

Referred to Committee on Financial Institutions.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, by Committee on Ecology (originally sponsored by Representatives Wojahn, Valle, Blair, Nelson and Paris):

Providing for the abatement and control of noise.

Referred to Committee on Ecology.

SECOND READING

SENATE BILL NO. 2962, by Senators Walgren, Whetzel, Francis and Keefe:

Allowing city attorneys to employ legal interns.

REPORT OF STANDING COMMITTEE

January 15, 1974.

SENATE BILL NO. 2962, allowing city attorneys to employ legal interns (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10, insert a new section to read as follows:

"*NEW SECTION.* Sec. 2. This 1974 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 line 1 of the title after "towns" and before "adding" strike "and".

On line 2 of the title after "RCW" and before the period insert "; and declaring an emergency".

Signed by: Senators Francis, Chairman; Atwood, Clarke, Dore, Marsh, Twigg.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, the committee amendment to the title was adopted.

On motion of Senator Walgren, Engrossed Senate Bill No. 2962 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2962, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody--47.

Excused: Senator Greive--1.

ENGROSSED SENATE BILL NO. 2962, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2961, by Senators Walgren, Whetzel, Francis and Keefe:
Allowing prosecuting attorneys to employ legal interns.

REPORT OF STANDING COMMITTEE

January 15, 1974.

SENATE BILL NO. 2961, allowing prosecuting attorneys to employ legal interns (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, insert a new section to read as follows:

"*NEW SECTION.* Sec. 2. This 1974 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 line 1 of the title after "attorneys" and before "adding" strike "and".

On line 2 of the title after "RCW" and before the period insert "; and declaring an emergency".

Signed by: Senators Francis, Chairman; Atwood, Clarke, Dore, Marsh, Twigg.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, the committee amendments to the title were adopted.

On motion of Senator Walgren, Engrossed Senate Bill No. 2961 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2961, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Greive—1.

ENGROSSED SENATE BILL NO. 2961, having received the 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 and fellow members, Senator Grant and I just wanted to point out the fact to those distinguished gentlemen of our legal profession that we are voting with them this session."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "In response to that, this does not help the lawyers. This helps the law students and the unemployed law students."

MOTION

At 10:30 a.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 11:48 a.m.

MOTION

On motion of Senator Grant, the Senate commenced consideration of Senate Bill No. 3041.

SECOND READING

SENATE BILL NO. 3041, by Senators Grant and Whetzel:

Supplementing laws relating to charter amendments in cities of 300,000 population or over.

REPORT OF STANDING COMMITTEE

January 16, 1974.

SENATE BILL NO. 3041, supplementing laws relating to charter amendments in cities of 300,000 population or over (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, add a new section following section 3 as follows:

"*NEW SECTION.* Sec. 4. This 1974 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 3, of the title, after "RCW" strike the period and insert "; and declaring an emergency."

Signed by: Senators Grant, Chairman; Stortini, von Reichbauer, Washington.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendment was adopted.

On motion of Senator Grant, the committee amendment to the title was adopted.

On motion of Senator Grant, Engrossed Senate Bill No. 3041 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3041, and the bill passed the Senate by the following vote: Yeas, 48.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

ENGROSSED 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.

MOTION

On motion of Senator Fleming, Engrossed Senate Bill No. 3041 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, Senate Joint Resolution No. 140 was ordered to hold its place on the second reading calendar for Monday, January 21, 1974.

SECOND READING

ENGROSSED SENATE BILL NO. 2488, by Senators Van Hollebeke, Woody, Atwood, Mardesich, Greive, Walgren and Twigg:

Amending the implied consent law to permit a person who has refused the test to plead guilty and keep his license.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, Engrossed Senate Bill No. 2488 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 Washington: "Would Senator Van Hollebeke yield to a question? Do I understand that we are acting on the engrossed bill and in the bill are already the adopted amendments? In other words, when it was on the floor last session I proposed the amendment on line 3 which would strike out the words, 'or being in actual physical control of a motor vehicle.' Now is that language stricken from the version of the bill that we have before us?"

Senator Van Hollebeke: "I am in doubt on that, Senator Washington. I thought we were and I assumed but without any basis."

Senator Washington: "In my book I do not have an engrossed bill. All I have is the bill with the amendments that we adopted in the 1973 session. The answer apparently is that the amendments that we adopted have already been adopted and we do have an engrossed bill which meets the point I am asking you to answer."

"Senator Van Hollebeke: "Yes, I think this bill is much better now in your opinion, Senator Washington, and we will probably get a more enlightened vote from you this time. I thank you for your support."

Further debate ensued.

Senators Mardesich, Talley and Day demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be roll call on final passage of Engrossed Senate Bill No. 2488.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2488 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Greive, Guess, Henry, Herr, Jones, Keefe, Mardesich, Marsh, Matson, Newschwander, Peterson (Lowell), Rasmussen, Ridder, Twigg, Van Hollebeke, von Reichbauer, Walgren, Whetzel, Woodall, Woody—30.

Voting nay: Senators Bottiger, Canfield, Grant, Jolly, Knoblauch, Lewis (R. H. "Bob"), Metcalf, Murray, Odegaard, Peterson (Ted), Sandison, Scott, Sellar, Stortini, Talley, Wanamaker, Washington—17.

Absent or not voting: Senator Lewis (Harry)—1.

ENGROSSED SENATE BILL NO. 2488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2046, by Senators Scott and Marsh:

Repealing the host-guest statutes.

The bill was read the second time by sections.

On motion of Senator Scott, Engrossed Senate Bill No. 2046 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Francis yield to a question? Senator Francis, there has been some question as to whether or not this would have any retroactive effect. Let me ask you for the record, does this act have any retroactive effect or must the claim or cause of action arise after the effective date of this act?"

Senator Francis: "Senator Woody, there is no express intention in the bill to have it apply to any occurrence which took place before the effective date of the act and accordingly I would have to relate it back to general law which is, I think, quite clear that the law in force at the time of an event is the law which applies, and accordingly I see no basis upon which it could be given any retroactive effect."

POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Scott yield? In the case then of picking up a hitchhiker just at random on the highway and you had an accident, then the hitchhiker could sue, is that right?"

Senator Scott: "If you were found guilty of any offense provable in court. In a word, if you were responsible for the accident."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2046, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent or not voting, 3.

Voting yea: Senators Bailey, Bottiger, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Scott, Stortini, Twigg, von Reichbauer, Walgren, Whetzel, Woodall, Woody—35.

Voting nay: Senators Canfield, Clarke, Day, Peterson (Ted), Sandison, Sellar, Talley, Van Hollebeke, Wanamaker, Washington—10.

Absent or not voting: Senators Atwood, Connor, Henry—3.

ENGROSSED SENATE BILL NO. 2046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2006, by Senators Peterson (Lowell) and Talley: Providing for loss of hunting license for unlawfully killing certain wildlife.

MOTIONS

On motion of Senator Peterson (Lowell), Substitute Senate Bill No. 2006 was substituted for Engrossed Senate Bill No. 2006, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson (Lowell), the following amendments were considered simultaneously:

Senator Peterson (Lowell) moved adoption of the following amendments by Senators Peterson (Lowell) and Talley:

On page 1, section 1, line 8, after "77.16.030" and before "by" insert ", or who forfeits bail twice during any five-year period on a charge of violating RCW 77.16.020 or 77.16.030".

On page 1, section 1, line 17, strike all of lines 17 and 18.

POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Peterson. Was the issue really not two or five years but whether or not the court had ruled that a forfeiture of bail was not necessarily a conviction?"

Senator Peterson (Lowell): "This was the purpose of the two amendments, to take care of that problem. There was some question, a judicial or a constitutional question that was brought up by a caucus attorney and the amendments that were prepared hopefully would take care of that problem and in their judgment it will."

Senator Bailey: "Senator Peterson, you think then because they can count the forfeiture of bail over a period of five years and not two years, that can change it? That is the point I do not follow."

Senator Peterson (Lowell): "Actually, what it does is strike the conviction on one amendment and the original language or the intent that was put in there in the other amendment basically does not affect the bill. It merely clears up the question as to whether or not the forfeiture in itself is construed as a conviction. At least this is the best advice I have."

POINT OF INQUIRY

Senator Woodall: "Would Senator Peterson yield? I do not have the bill immediately in front of me. You say this relates to big game?"

Senator Peterson (Lowell): "Yes."

Senator Woodall: "Was any thought given to the inclusion of endangered species? I am very serious on that. They picked up a man in our area the other day who shot two very rare swans and I was wondering whether your committee would like to consider adding endangered species to this particular bill. It would seem to be a logical place to put it."

Senator Peterson (Lowell): "Senator Woodall, I appreciate your bringing this to my attention. We did not have an endangered species law at the time this bill was prepared and written and worked upon. I appreciate the suggestion and I assure you that I can come back next session and we can amend the statute accordingly, but I would prefer at this time, rather than hold the bill up I would like to ask that the body vote on this bill now and then we can take care of the endangered species in my committee and I assure you I will do that."

The motion by Senator Peterson (Lowell) carried and the amendments by Senators Peterson (Lowell) and Talley were adopted.

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

On page 1, line 10, after "deer" insert "or endangered species as determined by the commission".

On motion of Senator Peterson (Lowell), Engrossed Substitute Senate Bill No. 2006 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2006, and the bill passed the Senate by the following vote: Yeas, 48.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2974, by Senators Woody and Francis:

Permitting enforcement of judgments by supplemental proceedings in justice courts.

The bill was read the second time by sections.

On motion of Senator Francis, Senate Bill No. 2974 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2974, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senator Matson—1.

SENATE BILL NO. 2974, having received the constitutional 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 Mardesich, Senate Bill No. 2399 was ordered to hold its place on the second reading calendar for Monday, January 21, 1974.

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

MESSAGE FROM THE HOUSE

January 18, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3041, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3041.

MESSAGE FROM THE HOUSE

January 18, 1974.

Mr. President: The Speaker has signed SENATE BILL NO. 3041, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

The Senate commenced consideration of Senate Resolution 1974-169.

MOTION

Senator Dore moved adoption of the following resolution:

SENATE RESOLUTION 1974-169

By Senators Dore and Van Hollebeke:

WHEREAS, It has been reported by one of the great metropolitan newspapers of the state that Governor Evans is maintaining a secret personal expense operating fund; and

WHEREAS, The very concept of such a fund violates the letter and the spirit of Initiative 276; and

WHEREAS, The chief executive of this state should above all be above suspicion; and

WHEREAS, In the interest of clean government Governor Evans should immediately release the names of the secret contributors to this fund and the amounts contributed thereto by individual and corporate donors in order to clear the governor's office of any suspicion of illegal influence peddling; and

WHEREAS, The governor's office should set a good example to be emulated by all officials and legislators; and

WHEREAS, We cannot afford a "Watergate" in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the public disclosure commission as an item of first priority should forthwith investigate the legality of the Governor's secret fund and ascertain whether the disclosures required by Initiative 276 have been made; and

BE IT FURTHER RESOLVED, That the public disclosure commission shall report its findings together with its recommendations relating thereto to the third extraordinary session of the forty-third legislature.

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Newschwander:

Strike the last paragraph of the resolution and insert "BE IT FURTHER RESOLVED, That the public disclosure commission investigate, and all candidates immediately release, all information regarding campaign surpluses and deficits incurred in the most recent races for all statewide elective offices and regarding the means by which such deficits are or have been erased."

Senator Dore moved adoption of the following amendment by Senators Dore, Van Hollebeke and Mardesich to the amendment by Senators Lewis (Harry) and Newschwander:

Amend the Lewis (Harry)/Newschwander amendment as follows: Restore the last paragraph of the resolution which was stricken by the amendment, and after "erased" on the last line of the Lewis amendment, strike the comma, insert a semicolon, and add "BE IT FURTHER RESOLVED, That candidates of such statewide races shall list the names of all contributors and the amounts of such contributions paid into their political fund and/or funds not previously publicly disclosed and filed with the secretary of state."

POINT OF INQUIRY

Senator Woodall: "Would Senator Dore yield to a question? I do not have this amendment to look at, but are you trying to make this retroactive to some prior races which have been run? Are you trying to make it go back to a time when you were not required to do it and now make you pick it up and do it?"

Senator Dore: "I did not offer the amendment. Senator Harry Lewis' amendment provided that all those who ran in the statewide races. He said the most recent statewide races. I assume that he means the finals of those races, not the primaries, so it would exclude you, sir."

Senator Woodall: "Thank you."

Senator Dore: "But it would include myself and, of course, I have already made a complete disclosure of my contributions through November 1, so I merely have to update mine because the rest of them are on file with the Secretary of State. The Governor would have to update his from October 17, advising of all the funds received in that fund, even though he has now refunded them. We would like to know who put the money in. So that is the purpose of it. It will not affect you, Senator. You ran during the primaries."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Dore yield to a question? Senator Dore, you remember that President Nixon had a fund that was contributed to by people who thought he was not living in the style that he should be accustomed to and he explained that on TV when he had Checkers with him. What I am interested in, and of course Agnew had a fund and in the same paper that you are reading now there is an item where people were making contributions to Vice President Agnew's fund and it was for the purposes of keeping him living in style that he was not accustomed to and also they were providing groceries and things to help out in feeding his family.

"Now what my question is, do you think that Governor Evans has the same type of a fund? If so, you are not covering it with contributions to a political fund because in the first article, of course you remember that Governor Cherberg referred certain investigations to the State Government Committee. We are now engaged in that investigation in seeking information and we are getting a large number of replies back from people who have made campaign contributions. So far we have not received any mention of funds being donated for expenses, not for political purposes but expenses, living expenses and travel. The committee was quite surprised, frankly, in finding out there was a secret fund such as President Nixon had and the same thing that Vice President Agnew had, and our committee will take a look at that also because it directly relates to the matter that Governor Cherberg referred to us. But I am wondering if your amendment would cover this, an expense fund? You are talking about a political fund and in the paper Governor Evans said it was not a campaign fund and then Jim Dolliver said that part of it was campaign and part of it was expense, and your amendment only mentions political funds."

Senator Dore: "I think I can answer you, maybe not entirely satisfactorily, but I will try. As I understood the Nixon fund, it was a secret fund. As I understand this fund of the Governor's, it is not secret; only the contributors are secret. We know the fund exists. I think he disclosed that. But in answer to your question whether or not 276 covers this particular front, I noticed in the Seattle Times newspaper yesterday he said he assumed the contributions were either for his last campaign or for a future campaign. I think by that statement, at least half of it, if it is for future campaigns then he is squarely under the reporting system of 276 and he will have to, without this resolution — this is only advisory anyway — under the statutory requirements of 276 — declare what is in that particular fund.

"Now in reference to the itemization of the expenses, as I understand it from the paper, he has said that he would furnish a list of the expenditures in detail. He did say that, so he has voluntarily said that, so I do not think you would have to have this in this. For that reason, I left that out. But of course, if you want to put it in in another amendment, I have no objection."

Senator Rasmussen: "Of course this does not relate to the State Government Committee, Senator Dore, and it was a secret fund up until the time the State Government Committee started looking into it."

Senator Dore: "It was a secret fund up until your committee, Senator, you as chairman, uncovered it and then it is no longer secret. That is right."

Senator Rasmussen: "I did not uncover it, Senator Dore."

Senator Dore: "I thought that is what you said. I am sorry, I was relying on your statement."

Senator Rasmussen: "No, Senator Dore. So it will be correct in the Journal, the Lieutenant Governor referred certain matters to the State Government Committee to be investigated. All of a sudden it became known by an announcement from Governor Evans that he did have a secret fund that was left over from previous campaigns. Then it was corrected later on by a different spokesman and I think he has the same problem that Nixon has, he has too many spokesmen, that it was not a campaign fund, that it was an expense fund. And he said he bought the Premier of Canada a four dollar gift. Was it forty dollars? Well, anyway, it was some amount and that was what the fund was used for and so I am glad that you think it will cover all phases."

Senator Dore: "I am just relying on the newspaper statement where the Governor himself is quoted as saying he assumes that either contributions to the former campaign or he assumes it was contributions to a future election race."

Debate ensued.

The motion by Senator Dore carried and the amendment by Senators Dore, Van Hollebeke and Mardesich to the amendment by Senators Lewis (Harry) and Newschwander was adopted.

The motion by Senator Lewis carried and the amendment by Senators Lewis (Harry) and Newschwander, as amended by the amendment by Senators Dore, Van Hollebeke and Mardesich, was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Lewis (Harry) yield to a question? Senator Lewis, you seem to have quite a comprehension of what is going on in the Governor's office. Could you tell us how many years this fund has existed and what the amounts have been through the years since the Governor has been in office?"

Senator Lewis (Harry): "I would be very glad to answer that, Senator Rasmussen. First of all, I would like, in answering your question, to remind you that the reporting required under 276 is not due from any candidates, including the members of the Senate who are required to report under 276 until January 31, 1974, so the political nature of this resolution is obvious. There is nothing overdue. Everything is on time and my best information in talking to Mr. Dolliver yesterday was that they were accruing this data. They have gone through the middle of October into November, that they have now in their hands and their accountants are reviewing the reporting of all funds through December 16. This is a job in which they are being very accurate, in which they have gone far beyond that which is required. Now I have not seen the specifics but we will all see them, all the people of the state will see them under the terms of 276 when it is required and on a timely presentation by the Governor, and I assume by all of us at the end of this month. So I would suggest that you wait just a few days and they will be publicly disclosed, not only to you and to Senator Dore, but to all the people of the state, as is very proper."

Senator Rasmussen: "Mr. President and members of the Senate, I asked a simple question and got a long answer but, Senator Lewis, you did not say the number of years that this secret fund has been in effect. And I think this is of great importance. It was only very recently that Vice President Agnew was relieved from office by his own resignation and also apparently is in the process of being disbarred for having a secret fund that was contributed to by certain people, firms and corporations and individuals, and that is why, Senator Lewis, I asked you that question. How many years has this fund been in effect? It may have considerable bearing on what has been going on in the state, and apparently you said yes, you did know, but apparently you do not know."

Senator Lewis (Harry): "In trying to respond again to Senator Rasmussen, I am not aware, although it may be possible, that some of the other public officials like ourselves have already complied in advance. I know of no secret fund in the Governor's office and I think that the challenges to a secret fund that you have presented and Senator Dore has presented are fallacious. I think that you will find when you see the public reports which he has gone into much greater detail than any of us will have gone, or I suspect Senator Dore will have gone to, that you will be perfectly satisfied."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President and members of the Senate, I do not want to prolong this. I think we are engaged in discussing something we referred to the Public Disclosure Commission. Something is wrong with what Senator Lewis talks about what the Governor will reveal on January 31. That is his personal disclosure on January 31. If he has received any funds since January 1 of 1973, he should be reporting every time he receives enough money to deposit. This is an entirely different matter. Now if it is a personal fund, he then owes income tax on it and it is an entirely different report. I do not think we should be challenging him now, but think we should be putting this to the disclosure people to answer the question over there."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Senator Lewis has suggested that this might have been clarified had Senator Dore gone to the Governor and asked him. Perhaps he has a better rapport there, but in the year I have been here I have tried to talk to the Governor twice on the telephone and I was treated as if I had just asked to talk to God and would need to clear through St. Peter first, and there was some question of whether I would ever get to see St. Peter."

POINT OF INQUIRY

Senator Dore: "Would Senator Lewis yield to a question? Senator, you said that if I went down and saw the records I would be able to get all the information that I required through this resolution. Now I understand from the paper that the Governor is now sending some of the money back. He is quoted 'Evans acknowledged yesterday that money did come in during non-election years. He indicated he assumed the contributions were either for a past campaign or to a future campaign. Evans also said that some of the money has been returned to people, but he did not say when, how much, or to whom.' Now can I go down and see those records and have answered that particular question as to the amount of money he received, who gave the contributions since January 1, 1973, to date, and what money is being retained and not returned? Can I get that information, or is that going to be made available on January 31?"

Senator Lewis (Harry): "Senator Dore, the answer to your question is an obvious one. You have never gone down and asked up to this time. I checked in the Governor's office and to my knowledge and to the knowledge of those I asked, you had never requested any information which would have been freely given to you if you had asked for it. But you want to recognize also, in addition to that, that they are accumulating data to be current to comply with 276, which deadline is the 31st. So in my view, now that you have politically attacked the Governor, I would advise them not to give you a thing and to wait like the rest of the citizens of the state have to wait. I do not think that you are entitled to any particular privilege at this point, in view of the kind of attack you have made, which is erroneous and fallacious and which will be cleared up in the reports that will be presented."

Senator Dore: "But as I understand, on January 31 - I will wait until then - but on January 31 I will be able to get the information as to the contributions he received and the names of the contributors and the amounts since January 1, 1973, to date. Is that correct?"

Senator Lewis (Harry): "It is my understanding that he is going to make a full report."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I think there is one question that remains in everybody's mind and that is, if the fund was legitimate and if everybody knew about it, why is he returning the money, and for how many years has it gone on, and you have not answered that question, Senator Lewis. I must say I feel sorry for you defending a situation that you know nothing about."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "I would like very much to respond to Senator Rasmussen who admitted he was confused yesterday and apparently is in the same situation after a good night's sleep. In response, I would just like to suggest that Governor Evans, in all of the campaigns with which I have been familiar, has always insisted on ending up with a surplus which I understand is a situation that not all statewide candidates, elected or defeated, have been fortunate enough to be in. And so, in answer to your direct question, it would be apparent to me that if he had a surplus that there was no need for him to accept additional funds and so, obviously, he would want to return those that he did not have a need for. I hope that answers your question."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Mr. President and members of the Senate, I am not Governor Evans' number one admirer. I am not tied to his coattails, but in the many years that I have served here I have tried to establish a reputation of being somewhat fair. Now it seems to me that what the good Senator Lewis has pointed out has certainly been proven to be correct here this morning. We hear speeches about Agnew. We hear speeches about Nixon, all of which has nothing to do with the case. There is a time and a place and a proper way to get at all of these problems. If the Governor owes anything on income tax, the Internal Revenue Service ought to audit him and he ought to have to divvy up. And if he has committed a crime he ought to be prosecuted, but he should be tried in the courts; he should be audited by the Internal Revenue. Senator Lewis does not hold himself out as a CPA or a detail auditor and he has been put through an unfair grilling by being asked to answer questions that he could not possibly know the details of, sitting up here. Now I think there is a timeliness to things and I think that when the 31st rolls around, if it be the feeling of the chairman of the State Government Committee that the responses as of that date given by the Governor are of that point in time inadequate, he can address a proper communication to him and to his assistant, Mr. Dolliver. If at the end of that time he feels they have not adequately responded, he can then come back to this floor and ask for additional powers from the body. In the meantime, I think it is high time that we all go to lunch and stop this foolishness on the floor."

The motion of Senator Dore carried and the resolution, as amended, was adopted.

MOTION

At 1:05 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, January 21, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, January 21, 1974.

The Senate was called to order at 10:00 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Durkan and Herr. On motion of Senator Knoblauch, Senator Herr was excused. On motion of Senator Mardesich, Senator Durkan was excused for Monday, January 21 and Tuesday, January 22, to be in Washington, D.C.

The Color Guard, consisting of Pages Mike Morgan and Denise Brown, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O GOD, UNSEEN, YET EVER NEAR, SENSITIZE US NOW TO YOUR PRESENCE AND MAKE US AWARE OF YOUR WILL AND PURPOSE AS WE TAKE UP OUR TASKS AT THE BEGINNING OF ANOTHER WEEK. SET US TO WORK ANEW AS THOSE WHO WOULD DO JUSTLY, LOVE MERCY, AND WALK HUMBLLY WITH YOU. ENABLE US THIS DAY TO THINK WISELY, TO ACT RESOLUTELY AND BY THE POWER OF YOUR SPIRIT, TO ACHIEVE THE BEST POSSIBLE LEGISLATION. TO THIS END WE DO NOW COMMIT OURSELVES, OUR DEAR ONES, OUR STATE, OUR NATION AND THIS WHOLE CHAOTIC WORLD INTO YOUR HANDS OF LOVE AND POWER, THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1974.

REENGROSSED SENATE BILL NO. 2235, requiring precinct officers to appear on absentee ballots (reported by Committee on Constitution and Elections):

Recommendation: Do pass.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 18, 1974.

SENATE BILL NO. 2429, implementing law relating to absentee balloting (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 2429 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 18, 1974.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2634, enacting the state building code act (reported by Committee on Local Government):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2634 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

January 18, 1974.

SENATE BILL NO. 2938, authorizing a fire protection district service charge (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2938 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar.

Passed to Committee on Rules for second reading.

January 18, 1974.

SENATE BILL NO. 3052, protecting rights in sound recordings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Vice Chairman; Atwood, Bottiger, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE JOINT RESOLUTION NO. 113, proposing a new judicial article for the state constitution (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 113 be substituted therefor and the substitute joint resolution do pass.

Signed by: Senators Francis, Chairman; Atwood, Bottiger, Clarke, Dore, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

January 18, 1974.

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

GENTLEMEN:

I have the honor to advise that on January 18, 1974, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 3041: Supplementing laws relating to charter amendments in cities of 300,000 population or over.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

January 18, 1974.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 636,
ENGROSSED HOUSE BILL NO. 820,
HOUSE BILL NO. 946,
HOUSE BILL NO. 1006,

ENGROSSED HOUSE BILL NO. 1044,

REENGROSSED HOUSE BILL NO. 1059, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 18, 1974.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 143, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3152, by Senators Dore, Clarke and Woody:

An Act relating to savings and loan associations; and adding a new section to chapter 33.20 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3153, by Senators Dore and Clarke:

An Act relating to cemeteries; and amending section 1, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.010.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3154, by Senators Stortini, Greive and Murray (by Traffic Safety Commission request):

An Act relating to motor vehicles; providing for mandatory use of safety belts; and adding new sections to chapter 46.37 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3155, by Senator Rasmussen:

An Act relating to cities and towns; and amending section 35.18.290, chapter 7, Laws of 1965 as amended by section 4, chapter 47, Laws of 1965 ex. sess. and RCW 35.18.290.

Referred to Committee on Local Government.

SENATE BILL NO. 3156, by Senators von Reichbauer, Murray and Washington (by Superintendent of Public Instruction request):

An Act relating to school district warrants; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.66 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3157, by Senators Mardesich and Canfield (by Office of Program Planning and Fiscal Management request):

An Act relating to public employees' benefits; amending section 1, chapter 264, Laws of 1971 ex. sess. as last amended by section 1, chapter 99, Laws of 1973 1st ex. sess. and RCW 41.04.250; adding a new section to chapter 41.04 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3158, by Senators von Reichbauer and Murray (by Superintendent of Public Instruction request):

An Act relating to traffic safety education; and amending section 3, chapter 39, Laws of 1963 as amended by section 2, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.020.

Referred to Committee on Education.

SENATE BILL NO. 3159, by Senators Sandison and Scott (by Superintendent of Public Instruction request):

An Act relating to higher education; amending section 28B.10.215, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.215; amending section 28B.10.220, chapter 223, Laws of

1969 ex. sess. and RCW 28B.10.220; and amending section 28B.10.255, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.255.

Referred to Committee on Higher Education.

SENATE BILL NO. 3160, by Senator Day:

An Act relating to midwifery; and repealing sections 1 through 12, chapter 160, Laws of 1917 and RCW 18.50.010 through 18.50.080, 18.50.100 and 18.50.120 through 18.50.900.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3161, by Senator Talley:

An Act relating to port districts.

Referred to Committee on Local Government.

SENATE BILL NO. 3162, by Senator Day:

An Act relating to health services; and adding a new section to Title 70 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3163, by Senators Durkan and Day:

An Act relating to acupuncture; creating new sections; creating a new chapter in Title 18 RCW; making an effective date; and providing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3164, by Senators Day and Twigg:

An Act relating to removing the disqualification of persons convicted of crimes from certain employment; amending section 1, chapter 135, Laws of 1973 and RCW 9.96A.010; and amending section 2, chapter 135, Laws of 1973 and RCW 9.96A.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3165, by Senator Talley:

An Act relating to port districts.

Referred to Committee on Local Government.

SENATE BILL NO. 3166, by Senators Woody and Twigg (by Department of Social and Health Services request):

An Act relating to nursing homes; amending section 1, chapter 71, Laws of 1973 1st ex. sess. and RCW 18.51.180; and amending section 2, chapter 71, Laws of 1973 1st ex. sess., and RCW 18.51.185.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3167, by Senators Walgren, Peterson (Lowell), Twigg and Atwood:

An Act relating to business and professions; providing for the regulation of private security services and private investigation services; defining crimes; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 3168, by Senators Washington and Murray:

An Act relating to the pollution control hearings board; amending section 39, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.090; amending section 45, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.150; amending section 46, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.160; and repealing section 51, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.210.

Referred to Committee on Ecology.

SENATE BILL NO. 3169, by Senator Walgren:

An Act relating to crimes and criminal procedure; adding a new section to chapter

9.26A RCW; adding a new section to chapter 9.45 RCW; defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3170, by Senators Walgren, Bottiger, Matson, Marsh, Dore and Bailey:

An Act relating to utilities and energy; creating new sections; providing penalties; adding a new chapter to Title 43 RCW; repealing section 1, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.010; repealing section 2, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.020; repealing section 3, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.030; repealing section 4, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.040; repealing section 5, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.050; repealing section 6, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.060; repealing section 7, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.070; repealing section 8, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.080; repealing section 9, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.900; repealing section 10, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.905; repealing section 12, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.910; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3171, by Senators Donohue and Day:

An Act relating to education; amending section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 49, Laws of 1973 and RCW 28A.58.450; amending section 28A.58.460, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.460; amending section 28A.58.480, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480; amending section 28A.58.510, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.510; amending section 16, chapter 15, Laws of 1970 ex. sess. as amended by section 2, chapter 49, Laws of 1973 and RCW 28A.67.070; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; repealing section 28A.58.500, chapter 223, Laws of 1969 ex. sess., section 71, chapter 81, Laws of 1971 and RCW 28A.58.500; and repealing section 18, chapter 34, Laws of 1969 ex. sess., section 3, chapter 49, Laws of 1973 and RCW 28A.58.515.

Referred to Committee on Education.

SENATE BILL NO. 3172, by Senator Durkan:

An Act relating to the humane treatment of animals; and amending section 17, chapter 146, Laws of 1901 and RCW 16.52.010.

Referred to Committee on Agriculture.

SENATE BILL NO. 3173, by Senators Francis and Scott:

An Act relating to the revision of rape laws; amending section 37, page 187, Laws of 1873, as last amended by section 124, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.030; adding new sections to chapter 9.79 RCW; repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 812, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 183, chapter 249, Laws of 1909, section 122, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.010; repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 814, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 184, chapter 249, Laws of 1909, section 1, chapter 132, Laws of 1919, section 1, chapter 74, Laws of 1937, section 1, chapter 112, Laws of 1943, section 123, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.020; defining crimes; and providing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3174, by Senators Donohue, Odegaard, Mardesich, Durkan and Day:

An Act relating to state government; amending section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180; amending section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310; amending section 43.62.050, chapter 8, Laws of 1965 and RCW 43.62.050; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; amending section 43.79.280, chapter 8, Laws of 1965 as amended by section 3, chapter 144, Laws of 1973 and RCW 43.79.280; amending section 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090; amending section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 1, chapter 104, Laws of 1973 and RCW 43.88.160; amending section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195; amending section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.88.205; amending section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230; amending section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 5, chapter 197, Laws of 1973 1st ex. sess. and RCW 44.04.120; amending section 2, chapter 43, Laws of 1951 and RCW 44.28.060; amending section 6, chapter 43, Laws of 1951 and RCW 44.28.100; amending section 11, chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140; amending section 7, chapter 43, Laws of 1951 and RCW 44.28.150; amending section 2, chapter 148, Laws of 1959 and RCW 44.28.160; amending section 11, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.060; amending section 12, chapter 130, Laws of 1965 and RCW 44.33.310; amending section 12, chapter 308, Laws of 1961 and RCW 44.36.120; amending section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025; amending section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041; repealing section 4, chapter 43, Laws of 1951, section 10, chapter 206, Laws of 1955 and RCW 44.28.080; repealing section 5, chapter 43, Laws of 1951 and RCW 44.28.090; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3175, by Senators Stortini, Lewis (Harry), Greive and Durkan:

An Act relating to the state fire marshal; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.48 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3176, by Senators Dore and Henry:

An Act relating to energy regulation; adding a new chapter to Title 80 RCW; repealing section 1, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.010; repealing section 2, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.020; repealing section 3, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.030; repealing section 4, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.040; repealing section 5, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.050; repealing section 6, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.060; repealing section 7, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.070; repealing section 8, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.080; repealing section 9, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.900; repealing section 10, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.905; repealing section 12, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.910; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3177, by Senators Day, Woody and Knoblauch (by Department of Social and Health Services request):

An Act relating to child abuse; and adding a new section to chapter 13, Laws of 1965 and to chapter 26.44 RCW.

Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Day, Senator Knoblauch was permitted as an additional sponsor on Senate Bill No. 3177.

SENATE BILL NO. 3178, by Senators Lewis (Harry) and Atwood (by Executive request):

An Act relating to higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.15 RCW; repealing section 2, chapter 273, Laws of 1971 ex. sess., section 1, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.012; repealing section 28B.15.100, chapter 223, Laws of 1969 ex. sess., section 5, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.100; repealing section 28B.15.200, chapter 223, Laws of 1969 ex. sess., section 4, chapter 102, Laws of 1970 ex. sess., section 6, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.200; repealing section 28B.15.300, chapter 223, Laws of 1969 ex. sess., section 5, chapter 102, Laws of 1970 ex. sess., section 7, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.300; repealing section 28B.15.400, chapter 223, Laws of 1969 ex. sess., section 6, chapter 102, Laws of 1970 ex. sess., section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400; repealing section 28B.15.500, chapter 223, Laws of 1969 ex. sess., section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500; repealing section 28B.15.600, chapter 223, Laws of 1969 ex. sess., section 15, chapter 279, Laws of 1971 ex. sess., section 2, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.15.600; repealing section 22, chapter 279, Laws of 1971 ex. sess., section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620; repealing section 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630; providing for certain alternative fee schedules and implementing provisions creating new sections; and providing certain effective dates.

Referred to Committee on Higher Education.

SENATE BILL NO. 3179, by Senators Lewis (Harry) and Murray:

An Act relating to energy resources; amending section 1, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.010; amending section 2, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.020; amending section 3, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.030; amending section 4, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.040; amending section 5, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.050; amending section 7, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.070; amending section 9, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.900; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3180, by Senators Atwood and Donohue (by Office of Program Planning and Fiscal Management request):

An Act relating to motor vehicle excise taxes; amending section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278; amending section 82.44.070, chapter 15, Laws of 1961 as amended by section 5, chapter 139, Laws of 1969 and RCW 82.44.070; amending section 82.44.110, chapter 15, Laws of 1961 as amended by section 1, chapter 121, Laws of 1967 and RCW 82.44.110; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 121, Laws of 1967 and RCW 82.44.120; amending section 1, chapter 87, Laws of 1972 ex. sess. and RCW 82.44.150; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 136, Laws of 1973 1st ex. sess. and RCW 82.44.150; amending section 82.44.160, chapter 15, Laws of 1961 as last amended by section 1, chapter 108, Laws of 1969 and RCW 82.44.160; amending section 82.48.080, chapter 15, Laws of 1961 as amended by section 5, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.080; amending section 82.50.170, chapter 15, Laws of 1961 and RCW 82.50.170; creating new sections; prescribing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3181, by Senators Odegaard, Woody and Atwood:

An Act relating to superior courts; and amending section 4, chapter 125, Laws of 1951 as last amended by section 4, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.062.

Referred to Judiciary Committee.

SENATE BILL NO. 3182, by Senators Peterson (Lowell) and Wanamaker:

An Act relating to public utility districts; and adding a new section to chapter 54.28 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3183, by Senator Francis:

An Act relating to conservatorships for certain gravely disabled persons; adding a new chapter to Title 71 RCW; creating new sections; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 3184, by Senators Connor, Murray and Fleming:

An Act relating to public employment; adding a new section to chapter 41.18 RCW; and adding a new section to chapter 41.20 RCW.

MOTION

On motion of Senator Fleming, Senate Bill No. 3184 was referred to the Committee on Local Government.

SENATE BILL NO. 3185, by Senator Grant:

An Act relating to unemployment compensation; providing mandatory coverage for employees of public hospital districts; amending section 21, chapter 35, Laws of 1945 as last amended by section 9, chapter 3, Laws of 1971 and RCW 50.04.200; amending section 20, chapter 3, Laws of 1971 as amended by section 2, chapter 35, Laws of 1972 ex. sess. and RCW 50.44.030; establishing an effective date; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 3186, by Senator von Reichbauer:

An Act relating to telephone companies; and amending section 80.36.220, chapter 14, Laws of 1961 and RCW 80.36.220.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3187, by Senators Francis, Whetzel, Murray and Ridder:

An Act relating to nursing homes; amending section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 247, Laws of 1971 ex. sess. and RCW 18.51.050; adding new sections to chapter 18.51 RCW; repealing section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953 and RCW 18.51.090; repealing section 13, chapter 117, Laws of 1951, section 7, chapter 160, Laws of 1953 and RCW 18.51.120; repealing section 14, chapter 117, Laws of 1951, section 8, chapter 160, Laws of 1953 and RCW 18.51.130; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3188, by Senators Lewis (Harry), Durkan, Sellar, Mtcalf, Peterson (Ted), Stortini and Grant:

An Act relating to the state civil service law; and political activities as affecting state employees; amending section 25, chapter 1, Laws of 1961 and RCW 41.06.250; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3189, by Senator Lewis (Harry):

An Act relating to revenue and taxation; exempting certain leasehold estates from property taxation; and amending section 11, chapter 187, Laws of 1973 1st ex. sess. and RCW 84.36.450.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3190, by Senators Dore, Mardesich, Connor and Marsh:

An Act relating to motor vehicle casualty insurance; adding new sections to chapter 48.22 RCW; and creating new sections.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3191, by Senators Murray, Canfield, Peterson (Ted), Wanamaker and Jones (by Executive request):

An Act relating to the financing of the common school system; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3192, by Senators Donohue, Mardesich, Sandison, Walgren, Day, Guess and Washington:

An Act relating to the administrative procedure act; amending section 4, chapter 234, Laws of 1959 and RCW 34.04.040; amending section 1, chapter 186, Laws of 1963 and RCW 34.04.160; and adding a new section to chapter 34.04 RCW.

Referred to Committee on State Government.

MOTION

On motion of Senator Donohue, Senator Guess was permitted as an additional sponsor to Senate Bill No. 3192.

SENATE BILL NO. 3193, by Senator Murray:

An Act relating to outdoor advertising; amending section 2, chapter 96, Laws of 1961 as amended by section 1, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.020; and adding a new section to chapter 96, Laws of 1961 and to chapter 47.42 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3194, by Senators Durkan, Bailey and Peterson (Ted):

An Act relating to firemen and police pension benefits; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; and adding a new section to chapter 41.20 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 3195, by Senators Dore and Ridder:

An Act relating to health care; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3196, by Senators Mardesich, Durkan, Atwood, Lewis (Harry) and Bailey:

An Act relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3197, by Senators Scott, Newschwander, Metcalf and Woody (by Executive request):

An Act relating to state government; transferring the state motor pool to the department of general administration; adding new sections to chapter 8, Laws of 1965 and to chapter 43.19 RCW; repealing section 43.91.010, chapter 8, Laws of 1965 and RCW 43.91.010; repealing section 43.91.020, chapter 8, Laws of 1965 and RCW 43.91.020; repealing section 43.91.030, chapter 8, Laws of 1965 and RCW 43.91.030; repealing section 43.91.040, chapter 8, Laws of 1965 and RCW 43.91.040; repealing section 43.91.050, chapter 8, Laws of 1965 and RCW 43.91.050; repealing section 43.91.060, chapter 8, Laws of 1965 and RCW 43.91.060; repealing section 43.91.070, chapter 8, Laws of 1965 and

RCW 43.91.070; and repealing section 43.91.080, chapter 8, Laws of 1965 and RCW 43.91.080.

Referred to Committee on State Government.

SENATE BILL NO. 3198, by Senators Fleming, Lewis (Harry), Grant, Whetzel, Henry, Lewis (R. H. "Bob") and Murray (by Executive request):

An Act relating to community development; amending section 1, chapter 14, Laws of 1965 as amended by section 1, chapter 177, Laws of 1971 ex. sess., and RCW 36.32.410; amending section 3, chapter 177, Laws of 1971 ex. sess. and RCW 35.21.680; amending section 4, chapter 177, Laws of 1971 ex. sess. and RCW 35A.11.060; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.06 RCW; repealing section 1, chapter 74, Laws of 1967 and RCW 43.63A.010; repealing section 2, chapter 74, Laws of 1967 and RCW 43.63A.020; repealing section 4, chapter 74, Laws of 1967 and RCW 43.63A.040; repealing section 5, chapter 74, Laws of 1967 and RCW 43.63A.050; repealing section 6, chapter 74, Laws of 1967 and RCW 43.63A.060; repealing section 7, chapter 74, Laws of 1967 and RCW 43.63A.070; repealing section 9, chapter 74, Laws of 1967 and RCW 43.63A.090; repealing section 12, chapter 74, Laws of 1967 and RCW 43.63A.120; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3199, by Senator Henry:

An Act relating to state government; amending section 43.97.020, chapter 8, Laws of 1965 and RCW 43.97.020; amending section 43.97.030, chapter 8, Laws of 1965 and RCW 43.97.030; amending section 43.97.040, chapter 8, Laws of 1965 and RCW 43.97.040; adding new sections to chapter 43.97 RCW; repealing section 43.97.050, chapter 8, Laws of 1965 and RCW 43.97.050; making an appropriation; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 3200, by Senator von Reichbauer:

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3201, by Senator von Reichbauer:

An Act relating to the common schools.

Referred to Committee on Education.

SENATE BILL NO. 3202, by Senators Marsh, Metcalf, Sandison, Keefe, Atwood and Lewis (Harry) (by Council on Higher Education request):

An Act relating to higher education; creating the college work-study program; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 3203, by Senators Henry and Twigg (by Washington Utilities and Transportation Commission request):

An Act relating to regulation of transportation; amending section 9, chapter 59, Laws of 1963 and RCW 81.80.371; and providing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3204, by Senators Murray and Lewis (Harry) (by Department of General Administration request):

An Act relating to state government; providing for the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; adding new sections to Title 43 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3205, by Senators Durkan, Grant, Fleming, Greive, Day, Connor, Woody, Rasmussen, Van Hollebeke, Dore, von Reichbauer, Ridder, Mardesich, Bailey, Jolly, Talley and Francis:

An Act relating to voting devices and vote tallying systems; adding a new section to chapter 29.34 RCW, and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3206, by Senators Metcalf, Francis and Van Hollebeke:

An Act relating to charitable solicitations; adding a new section to chapter 13, Laws of 1973 1st ex. sess. and to chapter 19.09 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 3207, by Senator von Reichbauer:

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3208, by Senator Dore:

An Act relating to financial institutions.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3209, by Senators Sandison, Donohue, Atwood and Clarke:

An Act relating to taxation of insurance premiums; and amending section 1, chapter 166, Laws of 1963 and RCW 48.14.021.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3210, by Senators Sandison, Guess and Marsh:

An Act relating to post secondary institutions of education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Sandison, Senator Marsh was permitted as an additional sponsor on Senate Bill No. 3210.

SENATE BILL NO. 3211, by Senators Henry, Guess and Washington (by Washington Traffic Safety Commission request):

An Act relating to a model traffic ordinance for cities, towns, and counties; creating a new chapter in Title 46 RCW; creating new sections; and providing penalties.

Referred to Committee on Transportation and Utilities.

There being no objection, additional sponsors were permitted on the following Senate bills: 3167, 3170, 3174, 3175, 3187, 3188, 3190, 3191, 3192, 3196, 3197, 3198, 3202, 3205 and 3209.

SENATE JOINT RESOLUTION NO. 146, by Senator von Reichbauer:

Amending the constitutional provisions for salaries of elected state officials.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 147, by Senator von Reichbauer:

Amending the governor's constitutional veto power.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 145, by Senator Greive:

Amending the joint rules to provide for full financial disclosure by legislators.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 146, by Senator von Reichbauer:

Directing a study on establishing nonpartisan, independent accounting agency similar to the federal general accounting office.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 636, by Representative Smith:

Allowing the department of fisheries to supply salmon eggs for use in fish farming or aquaculture for any length of time.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 820, by Representatives Patterson, Charnley, Rabel, Goltz, Freeman, Benitz, Thompson, Maxie and Tilly:

Authorizing method of creating mandatory student association fees at institutions of higher education.

Referred to Committee on Higher Education.

HOUSE BILL NO. 946, by Representatives Matthews and Adams:

Permitting the department of social and health services to adjust vendor's rates.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1006, by Representatives Randall, Chatalas and Bagnariol:

Exempting certain personal contracts and athletic or sports franchises from property taxation.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1044, by Representatives Bluechel, Bagnariol and Berentson:

Defining "original producer" of nursery stock for taxation purposes.

Referred to Committee on Ways and Means.

REENGROSSED HOUSE BILL NO. 1059, by Representatives Perry, Rabel, Sommers, North (Frances), Fortson, Valle, Eng, Johnson, Wojahn, McCormick, Maxie and North (Lois):

Establishing the Washington state women's council.

Referred to Committee on State Government.

MOTIONS

On motion of Senator Walgren, the Committee on Transportation and Utilities was relieved of further consideration of Senate Bill No. 3021 and Senate Bill No. 3022.

On motion of Senator Walgren, Senate Bill No. 3021 and Senate Bill No. 3022 were referred to the Committee on Ways and Means.

At 10:25 a.m., on motion of Senator Bailey, the Senate was declared to be at ease.

The President called the Senate to order at 11:45 a.m.

MOTION

On motion of Senator Mardesich, Senate Joint Resolution No. 140 was placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2399, by Senators Francis, Woody and Woodall:

Defining reasonable attorney's fees in eminent domain proceedings.

The bill was read the second time by sections.

On motion of Senator Mardesich, Senate Bill No. 2399 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2399, and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Greive, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Whetzel, Woodall, Woody—33.

Voting nay: Senators Fleming, Grant, Guess, Metcalf, Murray, Peterson (Ted), Scott, Sellar, von Reichbauer, Wanamaker, Washington—11.

Absent or not voting: Senators Bottiger, Odegaard—2.

Excused: Senators Durkan, Herr—2.

SENATE BILL NO. 2399, having received the constitutional 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 Mardesich, Reengrossed Senate Bill No. 2004 was ordered to hold its place on the second reading calendar for Tuesday, January 22, 1974.

SECOND READING

SENATE BILL NO. 2329, by Senators Atwood and Mardesich:
Providing for changes in the legal services revolving fund.

REPORT OF STANDING COMMITTEE

January 16, 1974.

SENATE BILL NO. 2329, providing for changes in the legal services revolving fund (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 29, section 5, before "for" strike "1973" and insert "1974".

On page 2, line 29, section 5, after "the" strike "1973-1975 biennium" and insert "1975 fiscal year and subsequent fiscal biennia".

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Atwood, the committee amendments were adopted.

On motion of Senator Atwood, Engrossed Senate Bill No. 2329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bailey: "Would Senator Atwood yield? Senator Atwood, I can understand the effort to make a little better sense out of the amount of money charged to agencies, but would this in any way revert back to the old policy? I think of Don Eastvold, when the deputies were paid for out of other funds to the extent that he was able to come to the legislature and say, 'The Attorney General's Office is operating on a very economical basis and we do not have half the expense we had before,' and then when you really looked at it he had all of that expense and more but it was assigned out, not in his budget, but to other budgets. Would this in any way create that false impression on the voters?"

Senator Atwood: "I would hope not, Senator Bailey. On the revolving fund theory these agencies are only supposed to pay for the legal services that they get. Now we have operated under it one biennium and as I said, it does distort the Attorney General's budget a little bit because most of these are in the agency appropriations. In fact, even the general services revolving fund does distort the appropriation, but it certainly is not directed toward reestablishing the old system that used to prevail around here. Some of the agencies still want to appoint their own AG's, but we are not that far along yet."

POINT OF INQUIRY

Senator Day: "Will Senator Atwood yield to a question? What will this do to the payment for services, say for example of a small profession like podiatry, where they only have one hundred and two licenses, I think it is? Is this going to cramp them in the utilization of the Attorney General's Office when they need it?"

Senator Atwood: "I do not think so, Senator. There is some possibility of that, but I think as long as the charges are reasonable within the limitations they can budget for that when they present their budget, which is normally within what their funds are out of their license fees."

Senator Day: "That is exactly the point, Senator. Does that mean then that they are going to be limited in their utilization to what the license renewal fees bring in?"

Senator Atwood: "No, in no way. I notice here on some of the smaller agencies they were overbilled and we could not get the money back for them. They are distributing it on an even across the board. Some of those agencies that support their own budgets were particularly penalized. They did not use the Attorney General nearly as much as they got billed for."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2329, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Bottiger, Donohue, Odegaard, Walgren—4.

Excused: Senators Durkan, Herr—2.

ENGROSSED SENATE BILL NO. 2329, having received the constitutional majority, was 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. 143, by Senator Grant:

Proposing an amendment to the Washington Constitution on qualifications of electors.

The resolution was read the second time in full.

On motion of Senator Grant, Senate Joint Resolution No. 143 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 143, and the resolution passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Bottiger, Donohue—2.

Excused: Senators Durkan, Herr—2.

SENATE JOINT RESOLUTION NO. 143, having received the constitutional two-thirds majority, was declared passed.

MOTION

At 12:05 p.m., on motion of Senator Mardesich, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

SECOND READING

SENATE BILL NO. 2937, by Committee on Local Government (endorsed by Senators Whetzel, Murray, Jolly, Talley, Fleming, Sellar, Gardner and Connor):

Authorizing cities to expend funds for legal aid.

The bill was read the second time by sections.

On motion of Senator Fleming, Senate Bill No. 2937 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: "Would Senator Lewis yield? Senator Lewis, how much money is the city of Olympia going to be able to contribute to this fund?"

Senator Lewis (Harry): "Senator Guess, I believe it is an amount of about fifteen hundred dollars. I have the figures in my office if you would like me to dig them out."

Further debate ensued.

MOTION

On motion of Senator Murray, Senator Scott was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2937, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Marsh, Murray, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Washington, Whetzel, Woody—31.

Voting nay: Senators Greive, Guess, Lewis (R. H. "Bob"), Mardesich, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Sellar, Twigg, von Reichbauer, Wanamaker, Woodall—13.

Absent or not voting: Senator Matson—1.

Excused: Senators Durkan, Herr, Scott—3.

SENATE BILL NO. 2937, having received the constitutional 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 Mardesich, Engrossed Second Substitute Senate Bill No. 2843 was ordered to hold its place on the second reading calendar for Tuesday, January 22, 1974.

SECOND READING

SENATE JOINT RESOLUTION NO. 140, by Senators Grant and Metcalf:

Amending the Constitutional veto power of the governor (SSJR No. 104):

The resolution was read the second time in full.

On motion of Senator Grant, the following amendment by Senators Grant and Lewis (Harry) was adopted:

On page 1, line 8, beginning with "Article" strike the remainder of the resolution and insert the following:

"Article III, section 12. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within [ten] *twenty* days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor: *PROVIDED, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed.* If any bill presented to the governor contain several sections or *appropriation* items, he may object to one or more sections or *appropriation* items while approving other portions of the bill: *PROVIDED, That he may not object to less than an entire section, except that if the section contain one or more appropriation items he may object to any such appropriation item or items.* In [such] case of objection he shall append to the bill, at the time of signing it, a statement of the section [,] or sections [;] , *appropriation* item or items to which he objects and the reasons therefor [,] ; and the section or sections, *appropriation* item or items so objected to [,] shall not take effect unless passed over the governor's objection, as hereinbefore provided. *The provisions of Article II, section 12, insofar as they are inconsistent herewith are hereby repealed.*

AND 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."

On motion of Senator Grant, Engrossed Senate Joint Resolution No. 140 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Day: "I want to thank Senator Grant for the fine job he did of explaining this and I am certain that he covered completely the component of the veto of items within the budget. I would like to have you, Senator Grant, if you would yield to a question, go over the intent again. Is it my understanding that on a bill involving appropriations that the governor can veto an item and if this means that he can veto an item there, does he have to veto the whole item? Can he veto just the proviso that the legislature has put attendant to that item and possibly the item and then leave the total amount? If you will recall the way we construct these budgets you could veto an item and the total amount appropriated — say to the Department of Social and Health Services is further on down the bill, does that leave that total item intact and in so doing accomplish the same objective that he has accomplished before, regardless of whom the governor may be?"

Senator Grant: "That is a good question, Senator Day. Frankly, what we are trying to accomplish is to restore the veto power to the governor as it was understood up until 1959. Up until 1959 it was understood that he could veto appropriations items, but the Constitution does not say 'appropriations item.' All the Constitution says is 'items,' and so Governor Rosellini at the time interpreted that and it was upheld, in the Ruoff case I believe it was, that 'items' meant a comma, a word, anything. Now the language of this constitutional amendment as it relates to appropriations items is on page 2 in line 6. And what interpretation the court would give this relative to a proviso in an appropriations bill would only be conjecture. The language is 'PROVIDED, That he may not object to less than an entire section, except that if the section contain one or more appropriation items he may object to any such appropriation item or items.' What interpretation the court might put on that I do not know, insofar as a proviso which is what I think you are getting at, like Social and Health Services provided that he may expend so many million dollars in order to carry out the provisions of some project. It would appear to me that that would very likely be less than an entire section. He can still veto an entire section in the bill under this constitutional change, but it would very likely be an item veto that, as a layman, I would say would be valid. The way that is gotten around, Senator Day, is that the legislature, if two-thirds members petition, call themselves back in for a veto session, if it really is contradictory to a two-thirds majority of the wishes of the members of the Senate."

Senator Day: "Senator Grant, I will put my question another way. This bill would not solve the problem then of the legislature appropriating funds for a specific item and placing a proviso within the bill that was the reason we allowed that appropriation to go through, he could still use the item veto on that appropriations bill in taking out the proviso?"

Senator Grant: "I think you are correct, Senator Day."

Senator Day: "This certainly does not accomplish, is my point, my objective relative to this because I think the most important thing that we are trying to solve here is the legislature determining not only an amount of money in a budget or a specific amount for a specific program, but putting into that budget language which says that we want this money spent but we want it spent in a certain manner and it took a lot of hammering around in this legislature to arrive at that conclusion, and if this still allows him to change the intent of the legislature relative to the expenditure of a proviso in the budget by item veto. Senator Lewis, can you answer that question?"

Senator Lewis (Harry): "Senator Day, I have introduced the item veto legislation, I think six consecutive years, and I am glad to see the majority providing support in this area. It is my understanding, based on the other issues that I have introduced in the past, that when we talk about an appropriation item, if there is with that appropriation item a statement of the intent of the legislature that if he vetoes the dollar amount, that the instructions that go with the dollar amount are vetoed as well and that the intent of SJR 140 here is that the appropriation item would include both.

"The other part of your question is that as far as the totals are concerned at the bottom of the page, that is really irrelevant. If he vetoes out an appropriation item and we do not override, the department could not spend the item for the purpose which was originally intended. But we have left him the power to item veto out appropriation items which could be simply a dollar amount on a page. If there is a statement of intent or instruction that goes with that dollar amount, that, as I understand the intent of this constitutional amendment, would include the statement of intent by the legislature that refers to the dollar item would be included in the veto and must be vetoed with the dollar amount as well as the statement."

Senator Day: "Yes, Senator Lewis, but it is just the reverse situation that I am concerned about. I am concerned about him vetoing the intent and not vetoing the amount."

Senator Lewis (Harry): "No, that does not apply, as I understand the intent of this amendment, that he could not veto out in an appropriation bill the statement of intent or objective of the legislature without vetoing also the dollar amount. Otherwise, that is what I understand 'appropriation item' to mean."

Senator Day: "Okay."

POINT OF INQUIRY

Senator Canfield: "I have had somewhat the same concern that Senator Day has expressed. I am just wondering, Senator, if your objection might not be covered by the material at the top of page 2, which under our present way of operating would allow us — we have meetings periodically and we could in this way call ourselves back to consider that particular matter to which you refer. I know you are very experienced in this and so I am going to ask you if you do not think that would solve this particular problem."

Senator Day: "In answer to your question, Senator Canfield, I think it could. However, I think that you have changed the situation again here so that it takes two-thirds of us to get back here and it obviously takes two-thirds to override any veto at the moment and I think the only thing you have done, you have made it possible for two-thirds of the legislature to come back and override a veto. So that is it."

Further debate ensued.

POINT OF INQUIRY

Senator Dore: "Would Senator Grant yield to a question? Senator Dore, I notice you have on page 2, lines 15 and 16, 'The provisions of section 12, Article II insofar as they are inconsistent herewith are hereby repealed.' In other words, you do not have a direct repealer of section 12. Now that sets up the power of the governor to call us into session, but once he calls us into session we have the right to meet for sixty days. We are not restricted by any agenda.

"Now my question, for the record and the Journal is, are you applying that section only to the underlined matter at the bottom of the first page and the top of the second pertaining to calling a special session only to consider, for five days, veto items? Or are there other parts of the bill you are thinking of?"

Senator Grant: "No, there is no other restriction that I am aware of, Senator Dore. The only restriction is in the event that the legislature by two-thirds majority calls itself into session solely to reconsider bills vetoed it be limited to five days. It does not restrict the governor's authority to call special sessions of the legislature."

Senator Dore: "It does not restrict our authority to remain here sixty days?"

Senator Grant: "It does not restrict us once called into special session as to any limitation on that session. The only restriction is that if we call ourselves into session by two-thirds petition, that we are limited to five days for consideration of vetoes."

Senator Dore: "Let me ask it very simply then. The underlined language on page 2, lines 15 and 16, which reads, 'The provisions of section 12, Article II insofar as they are inconsistent herewith are hereby repealed,' applies only to the underlined language on page 1, lines 26 and 27, and on page 2, lines 1, 2 and 3, which read, '*PROVIDED*, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed.' Is that correct?"

Senator Grant: "That is correct, Senator. That is the intent."

Senator Dore: "And all other parts of section 12, Article II remain in full force and effect. That is your intent?"

Senator Grant: "That is my intent."

Senator Dore: "Now the second question is in reference to page 2, which reads on line 6, '*PROVIDED*, That he may not object to less than an entire section, except that if the section contain one or more appropriation items he may object to any such appropriation item or items.' Now presumably you are referring to an appropriation bill, but my question is, assuming you do not have an appropriation bill but a plain bill which alludes to appropriation, either in terms of dollars or merely that it shall provide for an appropriation. Now that is an exception. Is it your intent then in that case that he should veto parts of the section? That is the way it reads to me."

Senator Grant: "Senator Dore, it is the intent, I believe, that he be restricted in the use of his item veto, that is to a veto of less than a section, primarily to appropriations bills."

Senator Dore: "It does not say that. It says 'except that if the section contain one or

more appropriation items.' Now apparently you are referring to the . . . , and believe it refers only to an appropriation bill, but I am thinking just about a plain bill. It seems that a practice might develop which you could allude to an appropriation and therefore get around the exception. I wonder if we should not hold this over to study that language a little more carefully to see exactly what it does. It seems to me you could give it that interpretation."

Senator Grant: "I would not give it that interpretation, Senator, but then I am not a constitutional lawyer."

MOTION

On motion of Senator Francis, Engrossed Senate Joint Resolution No. 140 was ordered placed on the third reading calendar for Tuesday, January 22, 1974.

MOTION

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

SENATE RESOLUTION 1974-171

By Senators Day, Van Hollebeke, Jones and Stortini:

WHEREAS, The availability and adequacy of skilled nursing care and intermediate care meeting the requirements of federal programs is a matter of significant concern to a growing number of the citizens of this state; and

WHEREAS, The viability and proper operation of licensed nursing homes and licensed boarding homes as intermediate care facilities in this state is a vital matter involving the public interest and well-being; and

WHEREAS, The major share of skilled nursing home or intermediate care patients or residents are recipients of public assistance; and

WHEREAS, Reimbursement methods and levels for skilled nursing care and intermediate care for public assistance patients must be established, which will fully and properly reimburse to providers the costs of such care plus a fair return, and which will maximize incentives to adequate care;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Senate Committee on Social and Health Services is directed to develop for examination at the next regular session of the Legislature proposals for a cost related reimbursement system for the provision of skilled nursing care and intermediate care to recipients of public assistance which will provide maximum incentives for the providing of adequate care, fully and properly reimburse costs, allow for a fair return to the provider, and meet the requirements of federal law; and

BE IT FURTHER RESOLVED, That the Senate shall report said system to the next regular session of the Legislature.

MOTION

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

SENATE RESOLUTION 1974-172

By Senators Day, Van Hollebeke and Jones:

WHEREAS, Even more than for other children, society has a responsibility along with parents for the well-being of foster children; and

WHEREAS, Citizens are responsible for acting to insure their welfare; and

WHEREAS, Every foster child is endowed with the rights inherently belonging to all children; and

WHEREAS, Because of the temporary or permanent separation from and loss of parents and other family members, the foster child requires special safeguards, resources, and care;

NOW, THEREFORE, BE IT RESOLVED, That the Senate adopts the following, as the BILL OF RIGHTS FOR CHILDREN:

EVERY FOSTER CHILD HAS THE INHERENT RIGHT:

Article I: TO be cherished by a family of his own, either his family helped by readily available services and supports to reassume his care, or an adoptive family or by plan, a continuing foster family.

Article II: TO be nurtured by foster parents who have been selected to meet his individual needs and who are provided services and supports, including specialized education, so that they can grow in their ability to enable the child to reach his potential.

Article III: TO receive sensitive, continuing help in understanding and accepting the reasons for his own family's inability to take care of him, and in developing confidence in his own self-worth.

Article IV: TO receive continuing loving care and respect as a unique human being . . . a child growing in trust in himself and others.

Article V: TO grow up in freedom and dignity in a neighborhood of people who accept him with understanding, respect and friendship.

Article VI: TO receive help in overcoming deprivation or whatever distortion in his emotional, physical, intellectual, social and spiritual growth may have resulted from his early experiences.

Article VII: TO receive education, training, and career guidance to prepare him for a useful and satisfying life.

Article VIII: TO receive preparation for citizenship and parenthood through inter-action with foster parents and other adults who are consistent role models.

Article IX: TO be represented by an attorney at law in administrative or judicial proceedings with access to fair hearings and court review of decisions, so that his best interests are safeguarded.

Article X: TO receive a high quality of child welfare services, including involvement of the natural parents and his own involvement in major decisions that affect his life.

MOTION

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

SENATE RESOLUTION 1974-173

By Senators Marsh, Woodall, Atwood and Bailey:

WHEREAS, Senator Henry L. Schumacher, Doctor of Optometry, lost his life in a plane crash on January 7, 1974; and

WHEREAS, Senator Schumacher served in the Washington State Senate beginning in 1959; and

WHEREAS, Senator Schumacher served his home city of Vancouver as both City Councilman and Mayor, and provided the leadership which resulted in the selection of that city as an "All-American City" in 1957; and

WHEREAS, Senator Schumacher was acclaimed as the nation's "Optometrist of the Year" in 1970; and

WHEREAS, Senator Schumacher expressed his dedication to service to his community, state and nation with the statement, "Public service is the rent we each must pay for the right to live in a community"; and

WHEREAS, Senator Schumacher's community, state and nation have suffered a grievous loss with his passing;

NOW, THEREFORE, BE IT RESOLVED, That the Senate and the citizens of the state of Washington mourn the passing of Senator Henry L. Schumacher; and

BE IT FURTHER RESOLVED, That the family of Senator Schumacher and the Mayor of the City of Vancouver be provided copies of this resolution.

Appropriate remarks were made by Senators Marsh and Woodall regarding former Senator Henry L. Schumacher.

MOTIONS

On motion of Senator Walgren, the Committee on Transportation and Utilities was relieved of further consideration of Senate Bill No. 2850.

On motion of Senator Walgren, Senate Bill No. 2850 was referred to the Judiciary Committee.

At 2:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Tuesday, January 22, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, January 22, 1974.

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 Durkan and Herr. On motion of Senator Walgren, Senator Herr was excused. On motion of Senator Mardesich on Monday, January 21, 1974, Senator Durkan was excused to attend a meeting in Washington, D.C.

The Color Guard, consisting of Pages Jerry Stewart and Didi Filan, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

“ARE YOU WITH US LORD? FOR IF YOU ARE WITH US, WHO OR WHAT CAN PREVAIL AGAINST US? LORD, MAY WE NOT SO MUCH SEEK TO HAVE OUR WILLS AND PURPOSES AND PROGRAMS PREVAIL AS TO KNOW AND DO YOUR WILL. WHAT IS YOUR WILL FOR THE PEOPLE, LORD? YOUR WILL FOR THE PEOPLE, MAKE IT PLAIN TO THESE THEIR ELECTED SENATORS AND THEN USE THEM THIS DAY AS YOUR SPOKESMEN AND AS YOUR LOVE’S WORKING ARM. FOR YOUR LOVE’S SAKE WE ASK IT. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 21, 1974.

SENATE BILL NO. 2017, making certain changes in the veterans’ bonus law (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2017 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch.

Passed to Committee on Rules for second reading.

January 21, 1974.

ENGROSSED SENATE BILL NO. 2095, allowing port districts to select a treasurer other than the county treasurer (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley.

Passed to Committee on Rules for second reading.

January 21, 1974.

SECOND SUBSTITUTE SENATE BILL NO. 2583, revising motor vehicle overweight fee schedules (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 21, 1974.

ENGROSSED SENATE BILL NO. 2584, fixing compensation of diking district commissioners for labor other than attendance at meetings (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley, Whetzel.

Passed to Committee on Rules for second reading.

January 21, 1974.

SENATE BILL NO. 2931, prohibiting hiring of certain employees by state when receiving public pensions of over four hundred dollars per month (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Scott, Wanamaker.

Passed to Committee on Rules for second reading.

January 17, 1974.

SENATE BILL NO. 2969, requiring the department of ecology to approve or disapprove air pollution variances within 60 days (reported by Committee on Ecology):

Recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

January 21, 1974.

SENATE BILL NO. 2980, abolishing all boards, commissions, councils, etc. created by executive order and prohibiting the further creation of the same (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 21, 1974.

SENATE BILL NO. 3002, permitting the state to make purchases from sheltered workshops (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Francis, Jones, Murray, Ridder, Twigg, von Reichbauer.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3042, enacting a state labor-management relations act (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

Passed to Committee on Rules for second reading.

January 21, 1974.

SENATE BILL NO. 3096, providing for review of agency requests for additional housing (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 21, 1974.

SENATE BILL NO. 3122, making class A, B, C, D, or H liquor licenses at Expo '74 valid for one hundred ninety days without renewal (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Scott, Wanamaker.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3130, appropriating moneys for the Clearcreek interchange (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bottiger, Jolly, Knoblauch, Matson, Peterson (Lowell), Talley, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 21, 1974.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 437,

HOUSE BILL NO. 624,

SUBSTITUTE HOUSE BILL NO. 967, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3212, by Senators Francis, Woody and Dore:

An Act relating to group legal services; adding a new chapter to Title 48 RCW to be codified as chapter 48.60 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 3213, by Senator Francis:

An Act relating to landlords and tenants.
Referred to Judiciary Committee.

SENATE BILL NO. 3214, by Senator Francis:

An Act relating to justices of the peace; and repealing section 3, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.065.
Referred to Judiciary Committee.

SENATE BILL NO. 3215, by Senators Francis, Scott, Metcalf, Washington, Ridder and Murray:

An Act relating to beverage container control; adding a new chapter to Title 69 RCW; defining crimes; prescribing penalties; and declaring an emergency.
Referred to Committee on Ecology.

SENATE BILL NO. 3216, by Senators Odegaard, Sellar and Walgren:

An Act relating to motor vehicle excise taxes; amending section 82.44.060, chapter 15, Laws of 1961 as amended by section 4, chapter 199, Laws of 1963 and RCW 82.44.060.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3217, by Senators Odegaard and Donohue:

An Act relating to revenue and taxation; adding new sections to chapter 84.48 RCW; repealing section 8, chapter 288, Laws of 1971 ex. sess., section 100, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.085; and declaring an emergency.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3218, by Senators Mardesich, Grant, Woody, von Reichbauer and Dore:

An Act relating to the legislature; adding a new chapter to Title 44 RCW; repealing sections 1 through 58, chapter 6, Laws of 1965 and RCW 44.07.905 through 44.07.910; and providing for submission of this act to a vote of the people.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3219, by Senators Day, Ridder, Jones and Talley:

An Act relating to group homes; amending section 1, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.830; amending section 2, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.840; amending section 3, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.850; and adding new sections to chapter 166, Laws of 1969 ex. sess. and to chapter 72.33 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3220, by Senators Donohue and Odegaard:

An Act relating to appropriations for the operation of state government; making an appropriation; and declaring an emergency.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3221, by Senators Peterson (Ted) and Odegaard:

An Act relating to school holidays.
Referred to Committee on Education.

SENATE BILL NO. 3222, by Senator Grant:

An Act relating to the legislature.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3223, by Senator Newschwander:

An Act relating to the redistricting and reapportionment of the state into legislative districts; creating a new chapter in Title 44 RCW; and making an appropriation.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3224, by Senator Newschwander:
An Act relating to ecology and septic tank requirements.
Referred to Committee on Ecology.

SENATE BILL NO. 3225, by Senator Woody:
An Act relating to motor vehicles; and amending section 46.44.050, chapter 12, Laws of 1961 and RCW 46.44.050.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3226, by Senators Odegaard and Donohue:
An Act relating to the support of government; making appropriations, and declaring an emergency.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3227, by Senators Odegaard and Donohue:
An Act relating to the support of government; making appropriations, and declaring an emergency.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3228, by Senators Day, Stortini and Walgren:
An Act relating to veterans' homes.
Referred to Committee on State Government.

SENATE BILL NO. 3229, by Senator Durkan:
An Act relating to metropolitan municipal corporations; amending section 35.58.010, chapter 7, Laws of 1965 and RCW 35.58.010; amending section 35.58.020, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.020; amending section 35.58.050, chapter 7, Laws of 1965 and RCW 35.58.050; amending section 35.58.080, chapter 7, Laws of 1965 and RCW 35.58.080; amending section 35.58.120, chapter 7, Laws of 1965 as last amended by section 5, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.120; amending section 35.58.200, chapter 7, Laws of 1965 as amended by section 7, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.200; amending section 35.58.210, chapter 7, Laws of 1965 and RCW 35.58.210; amending section 35.58.460, chapter 7, Laws of 1965 as last amended by section 39, chapter 56, Laws of 1970 ex. sess. and RCW 35.58.460; creating a new section; and declaring an emergency.
Referred to Committee on Ecology.

SENATE BILL NO. 3230, by Senator Day:
An Act relating to comprehensive health planning; and adding a new chapter to Title 48 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3231, by Senator Durkan:
An Act relating to the public employees' retirement system; and amending section 5, chapter 151, Laws of 1972 ex. sess. as amended by section 8, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.185.
Referred to Committee on State Government.

SENATE BILL NO. 3232, by Senator Donohue:
An Act relating to education.
Referred to Committee on Education.

SENATE BILL NO. 3233, by Senators Atwood and Woody:
An Act relating to attorneys' fees; and adding a new section to chapter 10.01 RCW.
Referred to Judiciary Committee.

SENATE BILL NO. 3234, by Senator Odegaard:

An Act relating to the support of government; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3235, by Senators Rasmussen, Woody, von Reichbauer, Ridder, Knoblauch and Walgren:

An Act relating to minimum wages; amending section 1, chapter 294, Laws of 1959 as amended by section 2, chapter 18, Laws of 1961 ex. sess. and RCW 49.46.010.

Referred to Committee on Labor.

SENATE BILL NO. 3236, by Senators Odegaard and Donohue:

An Act relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3237, by Senator Day:

An Act relating to public works contracts; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government. *

SENATE BILL NO. 3238, by Senators Grant and Murray:

An Act relating to candidacy for public office; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; and repealing section 16, chapter 254, Laws of 1951 and RCW 9.81.100.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3239, by Senators Guess, Lewis (R. H. "Bob"), Keefe, Twigg and Day:

An Act relating to public lands; and amending section 9, chapter 255, Laws of 1927 and RCW 79.01.032.

Referred to Committee on Ecology.

SENATE BILL NO. 3240, by Senator Clarke:

An Act relating to revenue and taxation; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 102, chapter 195, Laws of 1973 ex. sess. and RCW 84.52.052; amending section 84.52.054, chapter 15, Laws of 1961 as amended by section 103, chapter 195, Laws of 1973 ex. sess. and RCW 84.52.054; adding new sections to chapter 28A.41 RCW; and prescribing an effective date.

Referred to Committee on Education.

SENATE BILL NO. 3241, by Senator Odegaard:

An Act relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3242, by Senators Odegaard and Donohue:

An Act relating to revenue and taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3243, by Senators Grant, Washington and Murray:

An Act relating to public disclosure; amending section 16, chapter 1, Laws of 1973 and RCW 42.17.160; amending section 18, chapter 1, Laws of 1973 and RCW 42.17.180; amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190; and amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3244, by Senators Donohue and Odegaard:

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3245, by Senator Rasmussen:
An Act relating to restraints on employment.
Referred to Committee on Labor.

SENATE BILL NO. 3246, by Senators Day and Walgren:
An Act relating to special fuel tax; and amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.030.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3247, by Senators Francis and Woody:
An Act relating to surviving spouses of law enforcement officers.
Referred to Committee on State Government.

SENATE BILL NO. 3248, by Senator Donohue:
An Act relating to thermal power plants.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3249, by Senator Donohue:
An Act relating to revenue and taxation; and declaring an emergency.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3250, by Senator Grant:
An Act relating to political parties; amending section 29.42.020, chapter 9, Laws of 1965 as amended by section 1, chapter 45, Laws of 1972 ex. sess. and RCW 29.42.020; amending section 29.42.050, chapter 9, Laws of 1965 as last amended by section 7, chapter 4, Laws of 1973 and RCW 29.42.050; and amending section 1, chapter 32, Laws of 1967 ex. sess. and RCW 29.42.070.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3251, by Senator Grant:
An Act relating to the sale of alcoholic beverages.
Referred to Committee on State Government.

SENATE BILL NO. 3252, by Senator Grant:
An Act relating to the distribution of alcoholic beverages.
Referred to Committee on State Government.

SENATE BILL NO. 3253, by Senators Donohue and Odegaard:
An Act relating to appropriations for the operation of state government; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3254, by Senator Jones:
An Act relating to social and health services.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3255, by Senators Jones and Lewis (R. H. "Bob"):
An Act relating to nursing homes.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3256, by Senators Donohue and Odegaard:
An Act relating to appropriations for the operation of state government; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3257, by Senator Durkan:

An Act relating to the creation of an antitrust revolving fund; and adding new sections to chapter 43.10 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3258, by Senators Day and Walgren:

An Act relating to nursing home reimbursement and care.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3259, by Senator Day:

An Act relating to health; and providing a comprehensive health care plan for the citizens of the state of Washington.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3260, by Senator Donohue:

An Act relating to revenue and taxation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3261, by Senator Day:

An Act relating to political disclosure; and amending section 40, chapter 1, Laws of 1973 and RCW 42.17.400.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3262, by Senator Donohue:

An Act relating to revenue and taxation; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3263, by Senator Donohue:

An Act relating to the forest tax committee; and repealing section 18, chapter 294, Laws of 1971 ex. sess., section 7, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.180.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3264, by Senator Grant:

An Act relating to places of entertainment.

Referred to Committee on Commerce.

SENATE BILL NO. 3265, by Senator Jones:

An Act relating to mentally and physically deficient persons.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3266, by Senator Donohue:

An Act relating to school districts; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW.

Referred to Committee on Education.

SENATE BILL NO. 3267, by Senators Guess, Lewis (R. H. "Bob"), Keefe, Day and Twigg:

An Act relating to shorelands; and amending section 121, chapter 255, Laws of 1927 as amended by section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3268, by Senators Durkan, Donohue and Odegaard:

An Act relating to apportionment of state funds to school districts; amending section 15, chapter 15, Laws of 1970 ex. sess. as amended by section 1, chapter 146, Laws of 1972 ex. sess. and RCW 28A.48.010; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.48 RCW; repealing section 15, chapter 15, Laws of 1970 ex. sess.,

section 1, chapter 146, Laws of 1972 ex. sess. and RCW 28A.48.010; making certain effective dates; and providing for the expiration of certain sections hereof.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3269, by Senators Whetzel, Fleming and Scott:

An Act relating to higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 3270, by Senator Van Hollebeke:

An Act relating to the administration of justice.

Referred to Judiciary Committee.

SENATE BILL NO. 3271, by Senators Lewis (R. H. "Bob") and Francis:

An Act relating to litter control; and amending section 9, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.090.

Referred to Committee on Ecology.

SENATE BILL NO. 3272, by Senator Rasmussen (by State Finance Committee request):

An Act relating to the common schools and the support thereof and to general obligation bonds to be issued and to revenue bonds heretofore issued to provide such support; amending section 1, chapter 13, Laws of 1969 as amended by section 1, chapter 4, Laws of 1971 ex. sess. and RCW 28A.47.792; amending section 3, chapter 13, Laws of 1969 and RCW 28A.47.794; amending section 5, chapter 13, Laws of 1969 as amended by section 3, chapter 4, Laws of 1971 ex. sess. and RCW 28A.47.796; adding a new section to chapter 28A.47; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 3273, by Senator Bottiger:

An Act relating to odometers; and amending section 7, chapter 112, Laws of 1969 and RCW 46.37.590.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3274, by Senator Bottiger:

An Act relating to fire districts.

Referred to Committee on Local Government.

SENATE BILL NO. 3275, by Senator von Reichbauer:

An Act relating to port districts; amending section 3, chapter 17, Laws of 1959 as amended by section 1, chapter 51, Laws of 1965 and RCW 53.12.010; amending section 4, chapter 17, Laws of 1959 as last amended by section 2, chapter 51, Laws of 1965 and RCW 53.12.020; amending section 9, chapter 175, Laws of 1959 as amended by section 3, chapter 51, Laws of 1965 and RCW 53.12.035; and adding new sections to chapter 53.12 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3276, by Senator Durkan (by Department of Highways request):

An Act relating to old age real property tax exemption; amending section 4, chapter 288, Laws of 1971 ex. sess. as last amended by section 1, chapter 98, Laws of 1973 1st ex. sess. and RCW 84.36.370.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3277, by Senators Washington and Murray:

An Act relating to environmental policy; amending section 2, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.080; and adding new sections to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 3278, by Senator von Reichbauer:
An Act relating to recreational vehicles.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3279, by Senators Whetzel, Murray and Ridder:
An Act relating to water rights; adding a new chapter to Title 90 RCW; and declaring an emergency.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3280, by Senator Woody:
An Act relating to property taxes.
Referred to Committee on Ways and Means.

SENATE BILL NO. 3281, by Senators Dore and Mardesich:
An Act relating to financial institutions.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 3282, by Senator Talley:
An Act relating to food fish and shellfish; adding a new chapter to Title 75 RCW; defining crimes; and prescribing penalties.
Referred to Committee on Natural Resources.

SENATE BILL NO. 3283, by Senators Durkan, Odegaard, Donohue, Bailey, Bottiger, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington and Woody:

An Act relating to the support of elderly, poor, and infirm persons; authorizing property tax exemptions; authorizing a program of rental support; adding a new chapter to Title 36 RCW; adding new sections to chapter 84.36 RCW; repealing section 4, chapter 288, Laws of 1971 ex. sess., section 1, chapter 126, Laws of 1972 ex. sess., section 1, chapter 98, Laws of 1973 ex. sess. and RCW 84.36.370; repealing section 5, chapter 288, Laws of 1971 ex. sess., section 3, chapter 126, Laws of 1972 ex. sess. and RCW 84.36.380; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3284, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Peterson (Ted), Metcalf, Talley, Sandison, Lewis (Harry) and Rasmusen):

An Act relating to food fish and shellfish; and amending section 75.12.130, chapter 12, Laws of 1955 as last amended by section 2, chapter 16, Laws of 1969 ex. sess. and RCW 75.12.130.

Referred to Committee on Rules.

SENATE BILL NO. 3285, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Peterson (Ted), Metcalf, Talley, Sandison, Lewis (Harry) and Rasmusen):

An Act relating to the disposition of moneys from the sale of certain food fish or shellfish; and amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 31, chapter 199, Laws of 1969 ex. sess. and RCW 75.08.230.

Referred to Committee on Rules.

SENATE BILL NO. 3286, by Senator Connor:

An Act relating to alcoholic beverages; amending section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 1, chapter 117, Laws of 1969 and RCW 66.24.320; amending section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1973 as last amended by section 15, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.330; amending section

23-0 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 4, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.340; amending section 23-P added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 5, chapter 75, Laws of 1967 and RCW 66.24.350; and amending section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 as amended by section 1, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.400.

Referred to Committee on State Government.

SENATE BILL NO. 3287, by Senator von Reichbauer:

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO. 3288, by Senator von Reichbauer:

An Act relating to salaries of elective officials; amending section 110, chapter 137, Laws of 1973 1st ex. sess. (uncodified); creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3289, by Senator von Reichbauer:

An Act relating to mobile home taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3290, by Senator Connor:

An Act relating to alcoholic beverage control; amending chapter 66.24 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3291, by Committee on Agriculture (endorsed by Senators Jolly, Day, Matson, Sellar and Twigg):

An Act relating to agriculture; adding a new section to chapter 16.65 RCW; and adding a new section to chapter 20.01 RCW.

Referred to Committee on Rules.

SENATE BILL NO. 3292, by Senators Ridder and Dore:

An Act relating to property taxation; amending section 84.64.050, chapter 15, Laws of 1961 as amended by section 2, chapter 84, Laws of 1972 ex. sess. and RCW 84.64.050; and amending section 84.64.030, chapter 15, Laws of 1961 as amended by section 1, chapter 84, Laws of 1972 ex. sess. and RCW 84.64.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3293, by Senator Guess:

An Act relating to workmen's compensation; and adding a new chapter to Title 51 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3294, by Senators Guess, Jolly, Francis and Murray:

An Act relating to smoking, adding a new section to chapter 42.30 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3295, by Senators Connor, Peterson (Ted) and Van Hollebeke:

An Act relating to intoxicating liquor; amending section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420.

Referred to Committee on State Government.

SENATE BILL NO. 3296, by Senator Grant (by Secretary of State request):

An Act relating to elections; amending section 29.13.070, chapter 9, Laws of 1965 as

amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070; amending section 29.21.010, chapter 9, Laws of 1965 as amended by section 7, chapter 123, Laws of 1965 and RCW 29.21.010; amending section 29.21.015, chapter 9, Laws of 1965 and RCW 29.21.015; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 56, chapter 283, Laws of 1969 ex. sess. and RCW 29.21.060; amending section 29.21.140, chapter 9, Laws of 1965 and RCW 29.21.140; amending section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150; amending section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160; amending section 29.21.230, chapter 9, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230; amending section 35.20.150, chapter 7, Laws of 1965 and RCW 35.20.150; amending section 14, chapter 299, Laws of 1961 and RCW 3.34.050; amending section 2, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.360; amending section 3, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.370; amending section 4, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.380; adding a new section to chapter 29.21 RCW; adding a new section to chapter 29.01 RCW; and repealing section 29.21.170, chapter 9, Laws of 1965 and RCW 29.21.170.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3297, by Senator von Reichbauer:
An Act relating to recreation.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3298, by Senator von Reichbauer:
An Act relating to the telephone system.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3299, by Senator von Reichbauer:
An Act relating to gambling.

Referred to Judiciary Committee.

SENATE BILL NO. 3300, by Senator von Reichbauer:
An Act relating to vested rights of pensions.

Referred to Committee on State Government.

SENATE BILL NO. 3301, by Senator von Reichbauer:
An Act relating to the taxation of corporations.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3302, by Senator von Reichbauer:
An Act relating to the ferry system.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3303, by Senator von Reichbauer:
An Act relating to elections.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3304, by Senators Donohue, Sellar, Sandison, Woodall and Matson:

An Act relating to state government and the support thereof; providing for the planning, construction, furnishing and equipping of an office-laboratory building and facilities at Washington State University Tree Fruit Research Center and providing for the financing thereof by the issuance of bonds; making an appropriation; creating new sections; adding new sections to chapter 28B.30 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3305, by Senators Lewis (R. H. "Bob") and Twigg:

An Act relating to the purchase of liquor by certain facilities licensed by the state

department of social and health services; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3306, by Senator Rasmussen (by State Finance Committee request):

An Act relating to community colleges; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3307, by Senator Talley:

An Act relating to industrial insurance, and adding a new section to chapter 23, Laws of 1961 and to chapter 51.12 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 3308, by Senator Woody:

An Act relating to escrow companies.

Referred to Judiciary Committee.

SENATE BILL NO. 3309, by Senator Woody:

An Act relating to mandatory malpractice insurance for escrow agents.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3310, by Senators Murray, Washington and Whetzel (by Executive request):

An Act relating to the environment; amending section 31, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.010; amending section 35, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.050; amending section 39, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.090; amending section 40, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.100; amending section 45, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.150; amending section 46, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.160; amending section 3, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.030; amending section 2, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.080; amending section 3, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.030; amending section 14, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 19, Laws of 1973 2nd ex. sess. and RCW 90.58.140; amending section 18, chapter 286, Laws of 1971 ex. sess. as amended by section 2, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.180; adding a new section to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW; adding new sections to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW; adding a new section to chapter 286, Laws of 1971 ex. sess. and to chapter 90.58 RCW; repealing section 51, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.210; and repealing section 17, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.170.

Referred to Committee on Ecology.

SENATE BILL NO. 3311, by Senators Henry and Francis:

An Act relating to human rights.

Referred to Judiciary Committee.

SENATE BILL NO. 3312, by Senators Day and Francis:

An Act relating to the criminally insane; amending section 1, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.010; amending section 2, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.020; amending section 3, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.030; amending section 4, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.040; amending section 5, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.050; amending section 6, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.060; amending section 8, chapter 117, Laws of 1973 1st ex. sess. and RCW

10.77.080; amending section 9, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.090; amending section 10, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.100; amending section 11, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.110; amending section 12, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.120; amending section 14, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.140; amending section 15, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.150; amending section 18, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.180; amending section 19, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.190; amending section 20, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.200; amending section 22, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.220; and amending section 23, chapter 117, Laws of 1973 1st ex. sess. and RCW
 10.77.230.

Referred to Judiciary Committee.

SENATE BILL NO. 3313, by Senators Washington and Jolly:

An Act relating to commission merchants; and amending section 1, chapter 139, Laws of 1959 as last amended by section 2, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.030.

Referred to Committee on Agriculture.

SENATE BILL NO. 3314, by Senator Walgren:

An Act relating to energy and utilities.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3315, by Senators Van Hollebeke, Day, von Reichbauer, Ridder, Woody, Greive, Grant, Peterson (Lowell), Keefe, Connor, Stortini, Marsh, Knoblauch, Washington, Talley and Fleming:

An Act relating to excise taxes; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; and amending section 32, chapter 180, Laws of 1935 as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3316, by Senators Washington, Atwood and Walgren:

An Act relating to emergency services; and enacting the interstate civil defense and disaster compact; and adding new sections to chapter 38.52 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3317, by Senators Dore and Mardesich:

An Act relating to insurance.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3318, by Senators Donohue, Durkan, Odegaard and Talley:

An Act relating to property taxes; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3319, by Senators Washington and Murray:

An Act relating to environmental protection.

Referred to Committee on Ecology.

SENATE BILL NO. 3320, by Senators Odegaard, Matson and Bailey:

An Act relating to fire protection agencies; amending section 1, chapter 139, Laws of 1941 as amended by section 1, chapter 64, Laws of 1973 1st ex. sess. and RCW 52.36.020; and making an effective date.

Referred to Committee on Education.

SENATE BILL NO. 3321, by Senator Bailey:

An Act relating to bingo in nonprofit unincorporated organizations.
Referred to Judiciary Committee.

SENATE BILL NO. 3322, by Senator Bailey:

An Act relating to state government; creating the disaster relief revolving fund; adding new sections to chapter 38.52 RCW; and declaring an emergency.
Referred to Committee on State Government.

SENATE BILL NO. 3323, by Senator Walgren:

An Act relating to energy and utilities.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3324, by Senators Lewis (Harry) and Rasmussen:

An Act relating to state government; and amending section 2, chapter 79, Laws of 1921 and RCW 4.92.070.
Referred to Committee on State Government.

SENATE BILL NO. 3325, by Senators Washington and Murray:

An Act relating to environmental policy; adding a new section to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW; creating a new section; and declaring an emergency.
Referred to Committee on Ecology.

SENATE BILL NO. 3326, by Senators Jolly, Henry and Lewis (R. H. "Bob"):

An Act relating to highway beautification; declaring the policy of the state of Washington with respect thereto; directing the department of highways to provide a plan for attaining certain goals; and creating new sections.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3327, by Senator Atwood:

An Act relating to revenue and taxation; amending section 6, chapter 91, Laws of 1947 as last amended by section 43, chapter 195, Laws of 1973 1st ex. sess. and RCW 41.16.060; amending section 11, chapter 65, Laws of 1955 as amended by section 56, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.020; amending section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070; amending section 1, chapter 265, Laws of 1957 as amended by section 58, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.100; amending section 4, chapter 162, Laws of 1971 ex. sess. as amended by section 59, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.47.040; amending section 9, chapter 390, Laws of 1955 as amended by section 60, chapter 195, Laws of 1973 1st ex. sess. and RCW 54.16.080; amending section 7, page 210, Laws of 1888 as last amended by section 5, chapter 4, Laws of 1973 2nd ex. sess. and RCW 73.08.080; amending section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; amending section 8, chapter 288, Laws of 1971 ex. sess. as amended by section 100, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.085; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3328, by Senator Walgren:

An Act relating to health and welfare; creating a new section; and adding a new section to chapter 43.20A RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 3329, by Senators Washington and Murray:

An Act relating to studies of sites for thermal power plants and associated transmission lines; adding new sections to chapter 45, Laws of 1970 ex. sess. and to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 3330, by Senator Atwood:

An Act relating to revenue and taxation; amending section 6, chapter 91, Laws of 1947 as last amended by section 43, chapter 195, Laws of 1973 1st ex. sess. and RCW 41.16.060; amending section 11, chapter 65, Laws of 1955 as amended by section 56, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.020; amending section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070; amending section 1, chapter 265, Laws of 1957 as amended by section 58, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.100; amending section 4, chapter 162, Laws of 1971 ex. sess. as amended by section 59, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.47.040; amending section 9, chapter 390, Laws of 1955 as amended by section 60, chapter 195, Laws of 1973 1st ex. sess. and RCW 54.16.080; amending section 7, page 210, Laws of 1888 as last amended by section 5, chapter 4, Laws of 1973 2nd ex. sess. and RCW 73.08.080; amending section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; repealing section 1, chapter 133, Laws of 1967 ex. sess. and section 2, chapter 216, Laws of 1969 ex. sess., section 25, chapter 299, Laws of 1971 ex. sess., section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065; prescribing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3331, by Senator Guess:

An Act relating to surveys and maps; adding new sections to chapter 58.24 RCW; repealing section 2, chapter 224, Laws of 1951 and RCW 58.24.010; repealing section 3, chapter 224, Laws of 1951 and RCW 58.24.020; repealing section 4, chapter 224, Laws of 1951 and RCW 58.24.030; repealing section 6, chapter 224, Laws of 1951, section 25, chapter 271, Laws of 1969 ex. sess. and RCW 58.24.040; repealing section 5, chapter 224, Laws of 1951 and RCW 58.24.050; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 3332, by Senators Wanamaker, Walgren and Lewis (R. H. "Bob"):

An Act relating to motor vehicles; adding a new section to chapter 46.61 RCW; providing penalties; declaring an emergency; and providing an expiration date.

Referred to Judiciary Committee.

SENATE BILL NO. 3333, by Senators Walgren, Marsh, Woody, Stortini and Washington:

An Act relating to petroleum; creating a new chapter in Title 78 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3334, by Senators Washington and Murray:

An Act relating to the state environmental policy act; and requiring only one detailed statement for any governmental or nongovernmental project.

Referred to Committee on Ecology.

SENATE BILL NO. 3335, by Senators Day and Jones:

An Act relating to usury; amending section 1, chapter 142, Laws of 1969 ex. sess. as amended by section 2, chapter 97, Laws of 1970 ex. sess. and RCW 19.52.080; and declaring an emergency.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 3336, by Senators Washington, Stortini, Walgren and Woody:

An Act relating to motor vehicle emission control; and adding a new section to chapter 238, Laws of 1967 and to chapter 70.94 RCW.

Referred to Committee on Ecology.

MOTION

On motion of Senator Washington, Senator Walgren was permitted as an additional sponsor to Senate Bill No. 3336.

SENATE BILL NO. 3337, by Senators Scott, Murray, Grant and Rasmussen:

An Act relating to certain retirement systems; amending section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 2, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.497; amending section 3, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.498; amending section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010; and creating a new section.

Referred to Committee on State Government.

SENATE BILL NO. 3338, by Senator Walgren (by Department of Highways request):

An Act relating to the regulation of motor vehicles; amending section 47.52.025, chapter 13, Laws of 1961 and RCW 47.52.025; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.52 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3339, by Senators Washington and Murray:

An Act relating to state environmental policy.

Referred to Committee on Ecology.

SENATE BILL NO. 3340, by Senators Bailey and Atwood:

An Act relating to vocational education; amending section 12, chapter 130, Laws of 1969 and RCW 28A.58.075; amending section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246; creating new sections; repealing section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160; repealing section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170; repealing section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180; repealing section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200; repealing section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; repealing section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28B.50.221; and repealing section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230.

Referred to Committee on Higher Education.

SENATE BILL NO. 3341, by Senators Jones and Day (by Department of Social and Health Services request):

An Act relating to the uniform alcoholism and intoxication treatment act; amending section 10, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.100; amending section 12, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.120; amending section 13, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.130; and amending section 14, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.140.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3342, by Senators Washington and Atwood:

An Act relating to institutions of higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW; and making an effective date.

Referred to Committee on Higher Education.

SENATE BILL NO. 3343, by Senators Mardesich and Grant:

An Act relating to the legislature; and providing for a reduction in the size of the legislature.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3344, by Senators Washington and Atwood:

An Act relating to higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3345, by Senators Fleming, Peterson (Ted) and Ridder:

An Act relating to education; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 107, Laws of 1973 and RCW 28A.58.136; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW; and providing for certain reimbursements to school districts.

Referred to Committee on Education.

SENATE BILL NO. 3346, by Senator Atwood:

An Act relating to revenue and taxation; amending section 6, chapter 91, Laws of 1947 as last amended by section 43, chapter 195, Laws of 1973 1st ex. sess. and RCW 41.16.060; amending section 11, chapter 65, Laws of 1955 as amended by section 56, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.020; amending section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070; amending section 1, chapter 265, Laws of 1957 as amended by section 58, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.100; amending section 4, chapter 162, Laws of 1971 ex. sess. as amended by section 59, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.47.040; amending section 9, chapter 390, Laws of 1955 as amended by section 60, chapter 195, Laws of 1973 1st ex. sess. and RCW 54.16.080; amending section 7, page 210, Laws of 1888 as last amended by section 5, chapter 4, Laws of 1973 2nd ex. sess. and RCW 73.08.080; amending section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; amending section 1, chapter 133, Laws of 1967 ex. sess. as last amended by section 106, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.065; amending section 8, chapter 288, Laws of 1971 ex. sess. as amended by section 100, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.085; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3347, by Senators Durkan, Lewis (Harry) and Matson:

An Act relating to retail sales; amending section 4, chapter 236, Laws of 1963 as last amended by section 2, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.040; amending section 12, chapter 236, Laws of 1963 as last amended by section 3, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.120; amending section 13, chapter 236, Laws of 1963 as last amended by section 3, chapter 2, Laws of 1969 and RCW 63.14.130; adding a new section to chapter 63.14 RCW; and adding new sections to chapter 19.52 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 3348, by Senator Mardesich:

An Act relating to the Washington Teachers' Retirement System; amending section 1, chapter 80, Laws of 1947 as last amended by section 95, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.010; amending section 26, chapter 80, Laws of 1947 as last amended by section 1, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.260; amending section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 2, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.497; amending section 3, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.498; repealing section 4, chapter 189, Laws of 1973 1st ex. sess. (unmodified); repealing section 5, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.4944; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3349, by Senators Washington and Sellar:

An Act relating to public health; and prohibiting smoking in certain public transportation facilities.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3350, by Senator Atwood (by Executive request):

An Act relating to school transportation; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 45, Laws of 1973 and RCW 28A.24.055; amending section 28A.24.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.060; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 66, Laws of 1971 ex. sess. and RCW 28A.24.100; amending section 1, chapter 78, Laws of 1971 as amended by section 2, chapter 45, Laws of 1973 and RCW 28A.24.110; amending section 3, chapter 78, Laws of 1971 and RCW 28A.24.112; amending section 28A.24.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 48, Laws of 1971 and RCW 28A.24.150; amending section 1, chapter 24, Laws of 1971 and RCW 28A.24.170; amending section 2, chapter 24, Laws of 1971 and RCW 28A.24.172; amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 85, Laws of 1972 ex. sess. and RCW 28A.41.160; amending section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as amended by section 141, chapter 176, Laws of 1969 ex. sess. and RCW 28A.58.225; amending section 28A.65.060, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.060; amending section 35.58.250, chapter 7, Laws of 1965 and RCW 35.58.250; amending section 46.16.020, chapter 12, Laws of 1961 as last amended by section 22, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.16.020; amending section 46.16.150, chapter 12, Laws of 1961 and RCW 46.16.150; amending section 46.48.150, chapter 12, Laws of 1961 and RCW 46.61.380; amending section 46.72.010, chapter 12, Laws of 1961 and RCW 46.72.010; repealing section 2, chapter 78, Laws of 1971 and RCW 28A.24.111; and providing an effective date.

Referred to Committee on Education.

SENATE BILL NO. 3351, by Senator Day:

An Act relating to disabled persons, including mentally retarded and developmentally disabled persons and mentally or physically deficient persons; amending section 4, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.040; amending section 5, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.050; amending section 6, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.060; amending section 7, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.070; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 1, chapter 84, Laws of 1971 ex. sess. and RCW 71.20.110; amending section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800; amending section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805; amending section 3, chapter 251, Laws of 1961 and RCW 72.33.810; amending section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815; amending section 1, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.830; amending section 2, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.840; and creating new sections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3352, by Senator Bailey:

An Act relating to salmon fishing licenses; creating a special pilot project for licensing control in the Willapa Bay licensing district; and amending section 2, chapter 171, Laws of 1957 as last amended by section 3, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.013.

Referred to Committee on Natural Resources.

SENATE BILL NO. 3353, by Senator Rasmussen (by State Finance Committee request):

An Act relating to community colleges; amending section 20, chapter 15, Laws of 1970 ex. sess. as amended by section 20, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.360; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3354, by Senator Rasmussen (by State Finance Committee request):

An Act relating to financing by the state, its agencies, institutions, political subdivisions, and municipal and quasi-municipal corporations; amending section 8, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.080; amending section 3, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.020; amending section 6, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.050; amending section 7, chapter 25, Laws of 1973 1st ex. sess. and RCW 39.53.140; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3355, by Senator Rasmussen (by State Finance Committee request):

An Act relating to community colleges; amending section 20, chapter 15, Laws of 1970 ex. sess. as amended by section 20, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.360; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 3356, by Senator Woody:

An Act relating to tax preparers.

Referred to Committee on Commerce.

SENATE BILL NO. 3357, by Senators Whetzel, Murray, Donohue and Guess:

An Act relating to environmental quality, providing for the control of air pollution; and adding new sections to chapter 168, Laws of 1969 ex. sess. and to chapter 70.94 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 3358, by Senators Peterson (Lowell) and Atwood:

An Act relating to the Northern State Hospital; and creating new sections.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3359, by Senator Knoblauch:

An Act relating to ski conveyances.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3360, by Senator Knoblauch:

An Act relating to boating.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3361, by Senator Knoblauch:

An Act relating to state parks.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 3362, by Senator Rasmussen (by State Finance Committee request):

An Act relating to state government; providing for the refunding of certain state capitol committee bonds by issuance of refunding bonds; creating new sections; adding new sections to Title 43 RCW as a new chapter thereto; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3363, by Senators Van Hollebeke, Francis, Woody, Greive, Grant, Donohue, Connor, Ridder, von Reichbauer, Day, Stortini, Knoblauch, Talley, Peterson (Lowell), Fleming, Odegaard and Keefe:

An Act relating to inheritance taxes; amending chapter 83.20 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 3364, by Senator Peterson (Ted):

An Act relating to the solicitation of funds for charity.

Referred to Judiciary Committee.

SENATE BILL NO. 3365, by Senators Lewis (R. H. "Bob") and Day:

An Act relating to the regulation of drugs in nursing homes; and adding a new section to Title 70 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 3366, by Senators Peterson (Lowell) and Wanamaker:

An Act relating to public utility districts; and amending section 2, chapter 159, Laws of 1967 as amended by section 2, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.020.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3367, by Senators Peterson (Lowell) and Woody:

An Act relating to energy supplies and the cost thereof.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3368, by Senator Whetzel:

An Act relating to the common schools.

Referred to Committee on Education.

SENATE BILL NO. 3369, by Senators Mardesich and Whetzel:

An Act relating to land use planning; and adding a new chapter to Title 64 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 3370, by Senators Jolly, Atwood and Day:

An Act relating to the egg industry; amending section 1, chapter 193, Laws of 1955 and RCW 69.24.130; amending section 4, chapter 193, Laws of 1955 and RCW 69.24.160; amending section 5, chapter 193, Laws of 1955 as amended by section 1, chapter 54, Laws of 1961 and RCW 69.24.170; amending section 6, chapter 193, Laws of 1955 and RCW 69.24.180; amending section 12, chapter 193, Laws of 1955 and RCW 69.24.240; amending section 13, chapter 193, Laws of 1955 and RCW 69.24.250; amending section 14, chapter 193, Laws of 1955 as amended by section 50, chapter 240, Laws of 1967 and RCW 69.24.260; amending section 19, chapter 193, Laws of 1955 and RCW 69.24.310; repealing section 10, chapter 193, Laws of 1955, section 49, chapter 240, Laws of 1967 and RCW 69.24.220; repealing section 20, chapter 193, Laws of 1955 and RCW 69.24.320; repealing section 21, chapter 193, Laws of 1955 and RCW 69.24.330; repealing section 22, chapter 193, Laws of 1955 and RCW 69.24.340; repealing section 23, chapter 193, Laws of 1955 and RCW 69.24.350; adding new sections to chapter 69.24 RCW; and providing penalties.

Referred to Committee on Agriculture.

MOTION

On motion of Senator Atwood, Senator Day was permitted as an additional sponsor to Senate Bill No. 3370.

SENATE BILL NO. 3371, by Senator Bailey:

An Act relating to school district budgets; and amending section 22, chapter 119, Laws of 1969 ex. sess. as amended by section 2, chapter 115, Laws of 1972 ex. sess. and RCW 28A.65.095.

Referred to Committee on Education.

SENATE BILL NO. 3372, by Senators Bailey, Lewis (Harry) and Durkan:

An Act relating to public employment; amending section 3, chapter 274, Laws of 1947 as last amended by section 3, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.030; amending section 16, chapter 274, Laws of 1947 as last amended by section 6, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.150; amending section 39, chapter 274, Laws of 1947 as amended by section 6, chapter 127, Laws of 1967 and RCW 41.40.380; adding new sections to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3373, by Senators Walgren, Sandison and Wanamaker:

An Act relating to gambling; and amending section 2, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.020.

Referred to Judiciary Committee.

SENATE BILL NO. 3374, by Senator Fleming:

An Act relating to the extension of state purchasing opportunities to small businesses, minority entrepreneurs, and disadvantaged vendors; amending section 43.19.1906, chapter 8, Laws of 1965 and RCW 43.19.1906; adding new sections to chapter 43.19; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 3375, by Senators Mardesich, Atwood, Lewis (Harry) and Bailey:

An Act relating to salaries of public officials; adding new sections to chapter 43.03 RCW; providing an effective date contingent upon amending the Constitution; and providing for a referendum to the people.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 3376, by Senator Mardesich:

An Act relating to the right of privacy.

Referred to Judiciary Committee.

SENATE BILL NO. 3377, by Senators Mardesich, Woody and Walgren:

An Act relating to common carriers; and amending section 81.44.010, chapter 14, Laws of 1961 and RCW 81.44.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 3378, by Senators Donohue and Atwood (by Executive request):

An Act relating to appropriations and reappropriations; amending section 74, chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 89, chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 4, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 6, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 7, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 9, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 10, chapter 114, Laws of 1973 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 132, by Senators Grant, Fleming and Woody:

Memorializing the President and Congress of the United States.

Referred to Committee on Constitution and Elections.

SENATE JOINT MEMORIAL NO. 133, by Senator Grant:

Memorializing the President and Congress of the United States.

Referred to Committee on Constitution and Elections.

SENATE JOINT MEMORIAL NO. 134, by Senators Talley and Peterson (Lowell):

Requesting the federal government to protect the Washington state fisheries resource.

Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 135, by Senators Whetzel, Murray, Van Hollebeke and Guess:

Memorializing Congress relative to motor vehicle emission standards.

Referred to Committee on Ecology.

SENATE JOINT RESOLUTION NO. 148, by Senators Mardesich and Atwood:

Limiting service in the legislature to 18 years.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 149, by Senators Bailey, Atwood, Lewis (Harry) and Mardesich:

Amending the Constitution to establish a citizens' commission to set salaries of legislators and state-wide elected officials.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 150, by Senator von Reichbauer:

Limiting state elective office service to twelve consecutive years.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 151, by Senators Scott, Murray and Metcalf:

Proposing constitutional amendment limiting terms of state and county elected officials.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 152, by Senator von Reichbauer:

Requiring decennial reenactment of tax exemptions.

Referred to Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION NO. 147, by Senators Talley and Odegaard:

Authorizing study on Wahkiakum-Cowlitz county line park.

Referred to Committee on Parks and Recreation.

SENATE CONCURRENT RESOLUTION NO. 148, by Senator von Reichbauer:

Directing a study by the Senate financial institutions committee on contractual services by outside entities for state agencies.

Referred to Committee on Financial Institutions.

SENATE CONCURRENT RESOLUTION NO. 149, by Senators Washington and Scott:

Relating to governmental powers.

Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator Washington, Senator Scott was permitted as an additional sponsor to Senate Concurrent Resolution No. 149.

There being no objection, additional sponsors were permitted on the following Senate bills: 3215, 3218, 3219, 3235, 3239, 3267, 3283, 3294, 3304, 3315, 3318, 3333, 3336, 3337, 3357, 3363 and 3375; also Senate Joint Memorial No. 135 and Senate Joint Resolution No. 149.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 437, by Representatives Brown and Luders (by Joint Committee on Education request):

Implementing the law relating to intermediate school districts.

Referred to Committee on Education.

HOUSE BILL NO. 624, by Representatives Swayze, Honan, Berentson, Curtis, Freeman, Gilleland, Hansey, Hendricks, Kishimoto, Leckenby, Pardini, Polk, Wojahn and Zimmerman:

Excluding baby sitting referral services from the definition of employment agencies.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 967, by Committee on Commerce (originally sponsored by Representatives Hendricks, Jastad, Kopet, Wojahn and Valle):
 Providing for special packaging to protect children from certain substances.
 Referred to Committee on Commerce.

MOTION

On motion of Senator Mardesich, Reengrossed Senate Bill No. 2004 was ordered to hold its place on the second reading calendar for Wednesday, January 23, 1974.

THIRD READING

ENGROSSED SENATE JOINT RESOLUTION NO. 140, by Senators Grant and Metcalf:

Amending the constitutional veto power of the governor (SSJR 104).

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Resolution No. 140.

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Grant yield to a question? Senator Grant, for purposes of establishing legislative intent and clarification, I wonder if you would explain for the record the procedures that are indicated in appropriation bills particularly as they apply to full sections within the bill, appropriation items, and other verbiage in the appropriation language?"

Senator Grant: "I will try to do that, Senator Lewis, very briefly. It is intended by this measure to return the veto power to its status as of about 1959. That is the governor, of course, can veto an entire bill. No question about that in this constitutional amendment. He can veto entire sections of bills. If an enactment is so structured in sections, he can veto entire sections of bills. The question now is the item veto and how that affects it. There would no longer be an item veto under this constitutional amendment, with the exception of appropriations amounts, that is less than a section. He can veto appropriations amounts out of a main budget bill or out of any bill that has an appropriation attached to it, but he cannot under this constitutional amendment, according to our caucus attorney, veto any less than a section; that is, language that is less than a section, except for the appropriation itself."

Senator Lewis (Harry): "Senator Grant, a further question. In the event an appropriation bill had a proviso in it which proviso would be less than a full section, would you clarify the intent of this constitutional amendment as to the right of the governor to veto that proviso or an amount within the proviso or an amount indicated as part of the proviso?"

Senator Grant: "It is my understanding and it is our intent, the intent of the sponsors of this measure, that he could not veto less than an entire section, a proviso that was less than an entire section, except for the appropriations amount."

POINT OF INQUIRY

Senator Dore: "Would Senator Grant yield to a question? You invited me to ask a question before and I did not have the bill before me. I now have it, so I would like to ask you this. When referring to appropriation item in the bill you are talking about a dollar amount. Isn't that correct?"

Senator Grant: "That is correct, Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Murray yield? Senator Murray, I would like to

ask two questions. The first is simply, do you feel that the veto power as being practiced by the governor was as intended by the framers of the Constitution? And second, do you feel that we have the proper separation of powers between the legislative and executive branches when the governor can and actually has vetoed out one word or phrase, giving the exact opposite meaning of the legislature? In other words, he sometimes comes up with completely new legislation rather than vetoing legislation we have passed."

Senator Murray: "In answer to both questions, the answer is yes, and may I amplify by saying that I think that we have ended up at the compromise position that he could force us to faster and easier. To be specific, we have two major bills that we are talking about. Number one, the gambling bill. His choice was to veto the entire thing or to utilize the item veto. He took out those measures and although it was numbered in many different uses of the item veto, in essence it cut out those items in different sections of the bill that he wished to have cut out. That was consistent with what at least the people in my district voted for when they voted for gambling. They wanted bingo and raffles and that is all. Now that is a matter of personal opinion, it is true. By the same token, we have gambling to the extent of bingo and raffles because he took this method to arrive at it. The other alternative would have to have had nothing. I think we really came up with a better compromise, more acceptable to more people for less money and with less effort than we could have had he vetoed everything."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 140, and the resolution passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Guess, Henry, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—40.

Voting nay: Senators Fleming, Jones, Matson, Murray, Newschwander, Whetzel—6.

Excused: Senators Durkan, Herr—2.

ENGROSSED SENATE JOINT RESOLUTION NO. 140, having received the constitutional two-thirds majority, was declared passed.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2843, by Committee on Local Government (originally sponsored by Senator Fleming):

Authorizing counties, cities, and towns to participate in and implement federally-assisted grant-in-aid programs.

MOTIONS

On motion of Senator Fleming, Third Substitute Senate Bill No. 2843 was substituted for Engrossed Second Substitute Senate Bill No. 2843, and the third substitute bill was placed on second reading and read the second time in full.

Senator Rasmussen moved adoption of the following amendment:

On page 1, strike all of section 2.

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Fleming yield to a question? Senator Fleming, I tend to agree with Senator Rasmussen in some respects. Page 2, subsection 3, does refer to

what the cities would be doing, would be continuing these programs and it says, 'Continue federally-assisted programs, projects, and activities after expiration of contractual term or after expending allocated federal funds as deemed appropriate to fulfill contracts, promises, and representations made in connection with such agreements.' Now does this mean that someone could come and say that somebody promised us that this is what was going to be done, and if they could establish that in fact such promises were made, would the city then be under contractual obligation to continue those promises? Let me continue for a moment. I think perhaps Senator Rasmussen is going too far, but I wonder why you could not strike subsections 1, 2, and 3 and retain in subsection 4 the public corporation; and if you will read the first couple of lines I think you get right to what you are talking about, to 'Create public corporations, commissions, and authorities to administer and execute federal grants or programs;' and so on, without going to all this business about whether they can act on the basis of promises and so on and so forth. I think the rest of it is unnecessary."

Senator Fleming: "To answer your question, Senator Mardesich, I think you missed the point. Senator Rasmussen did not miss the point, but I think you did and that is that that language presently; presently they have programs going. As they are now, they were federal grant-in-aid programs. These programs have been involved in certain kinds of activity. Now unless and when they put the promises in these kinds of things, what they are indicating is that these are programs that are already involved. We said that we were going to do these kinds of things. Unless we put this kind of language in there those programs, if when the revenue sharing funds come down the pike, if they wanted to be able to continue those programs they would not be able to do so. And so that is why that language is in there and those are things that are already being done."

Senator Mardesich: "It seems to me if you had subsection 4 and perhaps added to that 'Create public corporations, commissions, and authorities to administer and execute federal grants or programs and/or local grants,' and so on and so forth, then you would solve that problem, but you have not opened the door to all this general language which I . . ."

Senator Fleming: "They might want to create additional corporations, but they would like to maintain the programs that they have and to my knowledge and also from legal understanding that they would have to have this kind of language in there to continue the programs because that is the problem they had with the corporation counsel in Seattle."

Senator Mardesich: "I think they could under this language because we cannot here by act legalize what has been done in the past. All the cities would have to do would be to recreate these corporations and proceed."

Senator Fleming: "Senator Mardesich, you are not letting them do all kinds of things under this language. From my understanding from the corporation counsel in Seattle and talking to some of the other attorneys, this language is the best language that we could use to be able to do what we are doing now and continue the programs and it is not open-ended up as one would want to believe, because the cities themselves still have the control of it; and secondly, we are only talking about federal funds and private funds that come through them and no state funds involved."

Senator Mardesich: "I can appreciate that, but it all comes out of the same pocket, Senator Fleming. Eventually it does at least, and I just wonder whether he may have a point and we should tighten that up a little bit. I am inclined not to go along with his amendment, but I think we can tighten it up a little bit so it is not wide open."

Senator Fleming: "Well, if there is some additional word or something like that that would be put in there to tighten it up, I could understand that, but to strike that I do not necessarily agree with you and we probably would go back and forth here through semantics all day on it, and all I can go by is what we have gone through. The committee studied this measure. We worked it, we reworked it, tried to work it to the satisfaction of Rules from the beginning bill a year ago, and we felt as though this was the bill that gave the most protection and to be able to do the job that we wanted to."

Senator Mardesich: "I sort of abdicated my judicial review of most of the bills on the floor to Senator Woody. I wonder if he might comment with respect to the question I raised?"

REMARKS BY SENATOR WOODY

Senator Woody: "In looking at what you are talking about, I think that this can be

tightened up without too much trouble at all, without doing much violence to it, Senator Fleming. If I interpret the word 'and' on line 4, one way would mean that you would have to have a contract with promises, with representations, all three of them, rather than 'or' but it does leave it open to a situation where somebody could suggest that some real representations were made and therefore we ought to be able to continue on with the program even though there is no contract. Senator Fleming, I would suggest that we hold this until tomorrow and work a couple of amendments just to tighten it up."

MOTIONS

On motion of Senator Lewis (Harry), Third Substitute Senate Bill No. 2843, together with the pending amendment by Senator Rasmussen, was ordered to hold its place on the second reading calendar for Wednesday, January 23, 1974.

At 11:25 a.m., on motion of Senator Bailey, the Senate recessed until 12:15 p.m.

NOON SESSION

The President called the Senate to order at 12:15 p.m.

MOTION

At 12:20 p.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

SECOND READING

ENGROSSED SENATE BILL NO. 2946, by Committee on Parks and Recreation (endorsed by Senators Knoblauch, Jones, Canfield, Bailey, Woody and Wanamaker):

Implementing the law of state shorelands and tidelands.

The bill was read the second time by sections.

Senator Guess moved adoption of the following amendment by Senators Guess and Day:

On page 3, following section 2 add a new section as follows:

"Sec. 3. Section 9, chapter 255, Laws of 1927 and RCW 79.01.032 are each amended to read as follows:

Whenever used in this chapter the term "second class shorelands" shall mean public lands belonging to the state bordering on the shores of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and more than two miles from the corporate limits of any city: *PROVIDED, That a lake is not navigable unless there is in fact current use of that body of water by interstate commerce.*"

POINT OF ORDER

Senator Woody: "I raise the issue of scope and object of this amendment. I do not believe that it is within the scope and object of Senate Bill No. 2946."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, the bill that is before us has to do with 79.01 and this is an amendment to 79.01.032 and therefore it is totally within the scope. I have been a part of debate on this thing for many years, Senator Woody, and I have at some times been on very tenuous grounds when proposing an amendment. I will have to admit that, but this amendment could not have been better fit to the bill if it had been written in the bill originally, and therefore I would represent to the President that the amendment comes within the scope of the bill that is before us."

REMARKS BY SENATOR WOODY

Senator Woody: "Senate Bill No. 2946 merely determines under what circumstances second or first class shorelands or tidelands may be transferred without consideration. Previous language in the statute was a requirement that it be with clear market value. The amendment goes on to describe and define what second class shorelands are and is a substantial departure from what the current common law and statutory law is. It says, number one, that second class shoreline must be more than two miles from the corporate limits of any city. That is a substantial departure from any existing common law or statutory law and it is completely without the scope and object of under what circumstances may tidelands or shorelands be transferred without consideration to cities, towns, counties or municipal park districts. And it is also a substantial difference to the proviso that a lake is not navigable under certain circumstances. The scope and object of Senate Bill No. 2946 has nothing to do with describing under what circumstances a lake or other body of water is or is not navigable. I fully appreciate the problems that are attendant with the Lake Diamond situation, but this is not the bill in which to do it. And I think by going as far as one does here, describing it must be two miles from the corporate limits, is going to change the law not just regarding Lake Diamond but all the other shorelands within Seattle or any place else."

MOTION

On motion of Senator Mardesich, Engrossed Senate Bill No. 2946, together with the amendment by Senator Guess and the point or order as raised by Senator Woody, was ordered to hold its place on the second reading calendar for Wednesday, January 23, 1974.

SECOND READING

SENATE BILL NO. 3052, by Senators Francis, Atwood, Lewis (Harry), Durkan and Grant:

Protecting rights in sound recordings.

REPORT OF STANDING COMMITTEE

January 18, 1974.

SENATE BILL NO. 3052, protecting rights in sound recordings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12, section 2, after "exceed" and before "thousand" strike "two" and insert "one".

On page 1, line 17, section 2, after "(2)" and before "or" strike "Sells" and insert "Knowingly sells" and after "sale or" and before "advertises" strike "knowingly".

Signed by: Senators Woody, Vice Chairman; Atwood, Bottiger, Clarke, Marsh, Twigg, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were adopted.

Senator Mardesich moved adoption of the following amendment:

On page 1, section 3, line 21 after "than" strike "twenty-five" and insert "five".

POINT OF INQUIRY

Senator Woody: "Would Senator Mardesich yield? Senator Mardesich, I notice also on line 12, with the committee amendment it is one thousand dollars and the next word is 'and imprisonment not to exceed one year,' and yet down below, if your floor amendment passes it would be five thousand dollars or imprisonment. I am asking of you in your wisdom whether you think the 'and' on line 12 ought to be changed to 'or'?"

Senator Mardesich: "Again, I have no objection to changing that to 'and' provided

again it was not five years. If it were one year I would have no objection to the changing of the 'or' to 'and' with the reduction in the term of from five down to one."

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

On motion of Senator Woody, Engrossed Senate Bill No. 3052 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, would Senator Woody yield to a question? Senator Woody, I know your intentions are honorable. This is only to make sure that there is not any question. If my young son records something off of the television or somebody else's tape and would play it in a neighborhood gathering, this would not make his actions illegal?"

Senator Woody: "No, you and I could continue doing that. I do that off some of the better FM stations myself. The crime is reproducing for sale, and if you do not reproduce for sale but for your own use, you can even give it away. It does not make any difference. It would not be a crime."

Senator Rasmussen: "But if he swaps it for a stick of gum, then it is a crime?"

Senator Woody: "Do it independently, please."

Senator Rasmussen: "Thank you, Senator Woody."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3052, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Mardesich—1.

Excused: Senators Durkan, Herr—2.

ENGROSSED SENATE BILL NO. 3052, having received the 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 Robert A. Yothers and appointed Senators Knoblauch, Peterson (Ted), Connor, Canfield, Bailey and Woodall to escort the honored guest to the rostrum.

Senator Knoblauch introduced Mr. Yothers to the members of the Senate and visitors in the gallery.

MOTION

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

SENATE RESOLUTION 1974-174

By Senators Knoblauch, Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody:

WHEREAS, Robert A. Yothers has served the people of the state of Washington and the nation in a variety of civic and fraternal capacities; and

WHEREAS, Mr. Yothers has served as State Department Commander of the Veterans of Foreign Wars; and

WHEREAS, Mr. Yothers has served on the National Judicial Committee of the Veterans of Foreign Wars; and

WHEREAS, Mr. Yothers has served as State President of the Benevolent and Protective Order of Elks; and

WHEREAS, Mr. Yothers' life has been exemplified in honoring the principles of the Elks which include charity, justice, brotherly love and fidelity; and

WHEREAS, Mr. Yothers is currently serving as the National Grand Exalted Ruler of the Elks; and

WHEREAS, His administration is emphasizing the Elks' youth activity programs with special attention to citizenship, leadership, and scholarship among the young people of our country; and

WHEREAS, The career of Mr. Yothers has reflected great credit upon the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington expresses pride in his accomplishments and commends Mr. Yothers for his distinguished career;

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Mr. Yothers and to the State President of the Benevolent and Protective Order of Elks.

Business was suspended to permit Mr. Yothers to address the Senate.

Appropriate remarks were made by Senators Knoblauch, Canfield and President Cherberg. The President presented a certificate as Outstanding Citizen of the State of Washington to the honored guest.

The special committee escorted Mr. Yothers from the Senate Chamber and the committee was discharged.

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

MESSAGE FROM THE HOUSE

January 22, 1974.

Mr. President: The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 63,

HOUSE CONCURRENT RESOLUTION NO. 64, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 63, by Representatives O'Brien, Bluechel, Beck, Bagnariol, Shinpoch, Zimmerman, Hurley, Sommers, Charnley, Rabel, Moon, Hendricks, Barnes, Honan, Nelson, Polk, Kishimoto, Hoggins, Matthews, Berentson, Erickson, Charette, Jastad, North (Lois) and Brown:

Commemorating the tenth anniversary of the Seattle Opera Association.

MOTIONS

On motion of Senator Mardesich, House Concurrent Resolution No. 63 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, House Concurrent Resolution No. 63 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 64, by Representatives Valle, Eng, Flanagan, Rabel, Kilbury, Goltz, North (Frances), Lysen, Blair, Ellis, Nelson, Bender, Charnley, Berentson, Bausch, Beck, Honan, North (Lois), Maxie, Douthwaite, Newhouse, Bluechel, Perry, Gaines, Johnson and Randall:

Declaring a "no smoking" day in the legislature.

MOTIONS

On motion of Senator Francis, House Concurrent Resolution No. 64 was advanced to second reading and read the second time in full.

On motion of Senator Francis, House Concurrent Resolution No. 64 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

At 2:10 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Wednesday, January 23, 1974.

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

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, January 23, 1974.

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 Durkan. There being no objection, Senator Durkan was excused.

The Color Guard, consisting of Pages Joe Beal and Eileen Ballew, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

“DRAW ME, O LORD TO THEE! NEARER TO THEE! THY GRACE IS EVER NEAR, THY SPIRIT EVER HERE, DRAWING TO THEE. GOD FORBID THAT THROUGH PERSONAL PRESTIGE OR PARTY PRIORITY, WE SHOULD ‘PASS BY ON THE OTHER SIDE’ AND PERMIT WORTHY LEGISLATION TO SUFFER DEFEAT OR THE UNWORTHY TO PASS. GIVE US INSIGHT, O LORD, TO FEEL AS OTHERS FEEL. GIVE US THE IMAGINATION TO STAND IN ANOTHER’S SHOES. AND THEN WHATSOEVER WE WOULD THAT OTHERS DO FOR US MAY WE ALSO BE WILLING TO DO FOR THEM. WORK, THOU, O GOD THROUGH ME. LIVE, THOU, O GOD IN ME, EVEN IN ME! AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 1974.

ENGROSSED SENATE BILL NO. 2118, removing citizenship requirements to teach in common schools of the state (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Murray, Newschwander, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 2939, changing the laws relating to buyers of smelt and smelt fishermen (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 2940, limiting commercial salmon licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2940 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Talley.

MINORITY recommendation: Do not pass.

Signed by: Senators Rasmussen, Sandison.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3016, implementing the laws relating to driving a motor vehicle while under the influence of alcohol (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Atwood, Clarke, Dore, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 21, 1974.

SENATE BILL NO. 3024, authorizing arrests for violations of superior court restraining orders under certain conditions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Marsh, Twigg, Woodall.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3029, enacting a savings clause for the dissolution of marriage act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Atwood, Clarke, Dore, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3055, extending application period for real property current use classification for 1974 (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Fleming, Marsh, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Sandison, Woody.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3062, authorizing the sale and redemption of general obligation bonds for the construction and furnishing of higher education buildings and facilities (reported by Committee on Higher Education):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means as amended.

Signed by: Senators Sandison, Chairman; Donohue, Marsh, Metcalf, Scott.

There being no objection, Senate Bill No. 3062 was referred to the Committee on Ways and Means.

January 22, 1974.

SENATE BILL NO. 3075, authorizing the appointment of the secretary of the department of social and health services as a federal fiduciary with respect to estates of veterans (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Clarke, Greive, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3116, making changes in the laws relating to commercial herring licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3202, establishing the college work-study program for needy students in post-secondary institutions and public vocational technical school (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

There being no objection, Senate Bill No. 3202 was referred to the Committee on Ways and Means.

MESSAGES FROM THE HOUSE

January 22, 1974.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 10,

ENGROSSED HOUSE BILL NO. 289,

REENGROSSED HOUSE BILL NO. 385,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 427,

HOUSE BILL NO. 457,

ENGROSSED HOUSE BILL NO. 596,

SUBSTITUTE HOUSE BILL NO. 671,

ENGROSSED HOUSE BILL NO. 761,

HOUSE BILL NO. 958, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

January 23, 1974.

Mr. President: The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 63,

HOUSE CONCURRENT RESOLUTION NO. 64, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 10, by Judiciary Committee (originally sponsored by Representatives Ehlers, Shinpoch, Wojahn and Goltz):

Providing that disclaimer of warranties in the sale of consumer goods shall be ineffective.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 289, by Representatives Polk, Lysen, Freeman and Julin:

Providing for motorists' information signs.

Referred to Committee on Transportation and Utilities.

REENGROSSED HOUSE BILL NO. 385, by Representatives Van Dyk, Kelley and Patterson:

Establishing animal technicians, allowing state veterinary board to employ a secretary, and providing for suspension or revocation of veterinary license if revoked in another state.

Referred to Committee on Agriculture.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 427, by Committee on Agriculture (originally sponsored by Representative Kilbury) (by Department of Agriculture request):
Providing regulations for the salvage of food.
Referred to Committee on Agriculture.

HOUSE BILL NO. 457, by Representatives Bagnariol, Johnson and Gilleland:
Providing for payment for costs of relocating public sewer and water facilities located within the right of way of certain highways.
Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 596, by Representatives Johnson and Kelley:
Permitting a vintage motor vehicle to be used for daily transportation and bear plates from its year of manufacture.
Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 671, by Committee on Commerce (originally sponsored by Representatives Gallagher, Connor and Kalich):
Implementing the laws relating to the length of boxing matches.
Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 761, by Representatives Smythe, Eikenberry, Smith, Barden, Parker and Tilly:
Increasing penalties for defrauding hotels, inns, restaurants and boarding houses.
Referred to Judiciary Committee.

HOUSE BILL NO. 958, by Representative Gaines:
Authorizing use of forty foot school buses under specific limitations.
Referred to Committee on Transportation and Utilities.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 63,
HOUSE CONCURRENT RESOLUTION NO. 64.

SECOND READING

REENGROSSED SENATE BILL NO. 2004, by Senators Herr, Stortini and Van Hollebeke:
Providing for a state lottery.

REPORT OF STANDING COMMITTEE

January 16, 1974.

REENGROSSED SENATE BILL NO. 2004, providing for a state lottery (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 9, beginning on line 25, strike all of section 22, and renumber the remaining sections consecutively.

On page 1, line 2 of the title after "RCW;" and before "creating" insert "and".

On page 1, line 3 of the title, after "sections" strike all of the material down to and including "9.59.050" on line 13.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment to page 9 was adopted.

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

On page 5, line 28, section 8, after "for the" insert "initial development and".

Senator Rasmussen moved adoption of the following amendment:

On page 5, line 31, section 8, after "commission" insert " PROVIDED, That nothing in this act shall authorize the commission to enter into public contracts for the regular and permanent operation of the lottery after the initial development and implementation. Public contracts authorized under this act are to be performed for a flat fee and not on a percentage of the lottery operation".

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Rasmussen yield? Senator Rasmussen, does this mean that regardless of the amount that is involved in the lottery function that there could only be one set flat fee, that they could not participate in an expanding fee as the lottery grew larger and the costs are increased, etc.?"

Senator Rasmussen: "No - well, yes to the extent that a company that you would contract for supposedly that the lottery were to be, we anticipate possibly thirty million dollars a year, that you would not contract with the initial contracting firm for a flat percentage of say ten percent of the thirty million; that you would contract merely for the services rendered, such as the advice and the purchasing of machines and the necessary mechanical operations rather than awarding to some firm a percentage of the total of whatever the lottery may develop."

POINT OF INQUIRY

Senator Stortini: "Will Senator Rasmussen yield to a question? Senator, I am looking at your amendment and you are talking about the commission and yet as I look at section 8 we are talking about the director. Does that then mean that the director can authorize this but not the commission? And also, a second question. Would this not be contrary to section 7 which gives the commission the power to regulate the locations?"

Senator Rasmussen: "I think this only speaks of the commission, Senator Stortini, and any action taken by the director will be taken under the direction of the commission. That is the only way that it can be conceived at the present time."

Senator Day moved adoption of the following amendment to the amendment by Senator Rasmussen:

Amend the Rasmussen amendment to page 5, line 31, section 8, as follows:

Beginning on line 5 of the amendment, after "implementation." strike the balance of the amendment.

Debate ensued.

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

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

Senator Odegaard moved adoption of the following amendment by Senators Woody and Odegaard:

On page 8, section 16, line 31, after "fund" and before the period insert "to be used exclusively for the support of common schools: PROVIDED, That such monies shall be in addition to and not supplementary of the appropriation required for the support of common schools by 28A.41.050 as now or hereafter amended."

Debate ensued.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I support the amendment but I want to point out that it is only a statement of intent. I am not as worried about OPP&FM as I am about the legislature itself. Without even saying why they lowered a general appropriation they could do so, unless the statement of intent were followed by every member and I do not know how you can enforce that. I think we are giving a false impression to school people when we

say this will be additional because as much as that is desirable, we have no control over what may happen in a future budget. The fact that we want to do this, and I think every one of us agree to that, is one thing but I just would not like to lead people astray and think that this law really does anything as far as future appropriations might go. They could easily be reduced for another reason and in anticipation as to what would be coming in from the lottery. The amendment is good only in stating our intent."

Senator Whetzel moved adoption of the following amendment to the amendment by Senators Woody and Odegaard:

After "common schools" strike the proviso.
President Pro Tempore Henry presiding.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, this is an amendment I had not looked at before we came on the floor but then, looking at Senator Whetzel's amendment, I think I would have to have Senator Odegaard and Senator Woody say what it did to their theory. It strikes me that if we are trying to do what Senator Odegaard and Senator Woody want to do that perhaps we should have put lottery receipts into a special fund for the relief of special levies. All you are doing in this amendment is making a statement of intent. Anyway, with or without Senator Whetzel's amendment, I am going to vote for the amendment and I think they would have to speak to whether or not the proviso destroys that amendment."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, I think the proviso would certainly weaken the purpose of the amendment. The proviso might not actually in effect, bind future legislative sessions. We never can bind a future session of the legislature in its action. However, with that proviso it does leave it kind of weak. The intent, of course, is still there and that is maybe all we will end up with anyway, Senator Bailey, which I think is really what we are after; the intent of the legislature is to use this funding for the school system."

The motion by Senator Whetzel carried and the amendment to the amendment by Senators Woody and Odegaard was adopted on a rising vote.

Debate ensued.

The motion by Senator Odegaard failed and the amendment by Senators Woody and Odegaard as amended by Senator Whetzel was not adopted.

On motion of Senator Stortini, the committee amendments to the title were adopted.

On motion of Senator Stortini, the following amendment to the title by Senators Stortini and Herr was adopted:

On page 1, line 2 of the title, after "lottery;" and before "creating" insert "prescribing penalties;"

On motion of Senator Rasmussen, Reengrossed Senate Bill No. 2004 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

President Cherberg assumed the Chair.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Washington yield to a question? Senator Washington, I share your concern that the lottery should be operated so as to avoid any possible opportunity for anyone to profit other than the public and those people who win an occasional ticket. I assume that you have read the bill and I am wondering if there is anything that you feel should have been done to assure that there is proper protection in this bill to prevent that from happening and to protect the public and people. If you feel that there is something that should be added, I for one would certainly be more than happy to help return the bill to second reading. I have had this concern myself and I am wondering whether there is anything more that you feel that we can do."

Senator Washington: "I do not claim to be an expert in all of the ways of handling a lottery, but I do know that it is virtually impossible if somebody is selling tickets, to have the right kind of receipts. There is the old skimming operation which goes on in Las Vegas, goes on in Nevada. They try any number of ways but, from what I gather, it is virtually impossible to really keep that from being done. You can have your slot machines, you can have various devices that take in money and there has not been any real good way discovered yet of being able to keep the people who collect that money from being able to cover it up. There is not any way even to keep people who, and this is something we have to do as far as even the parking meters, checking people, (sic) there is no real way to determine how much is in those machines. And there is going to be no real way, as I feel, to check on the people who are selling and to really determine that we are getting our money back. There can be ways of listing the tickets and to have the numbers returned, but I think that there are going to be ways of getting around it. And I think as we go back again, perhaps you feel and Senator Van Hollebeke pointed out, in the early days, as he said, George Washington and various other personages of the early days, Alexander Hamilton, supported the idea. And I think it perhaps started out doing a worthy job, but it was not just the state of Washington, Senator Henry, that did away with lotteries. Virtually every state in the country did away with lotteries in the 1880's and in that period of time because they were getting out of hand and because it was impossible to control them. I just have that feeling. I do not think it is one of those things that you can completely control and for that reason I am voting against it.

"Again, there are these other arguments that I think the amount of money that is going to be taken is going to be a relatively small amount. I think it is illusory. People are voting for a lottery because they have visions that we are really going to balance the budget. And the more states that have lotteries, as a matter of fact, a lot of the money that is being taken in in New Jersey and New York are people buying those tickets in other states. And when every other state starts having a lottery, you are going to have that cut down and we are going to have even less money available. But I wish I could really point my finger to exactly what you can do, but I just have the feeling that we can plug lots of loopholes and we still, with these tickets being sold widespread all over the state, that the gambling interests and the ability to skim the funds are not going to be able to take place."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2004, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Woodall, Woody—31.

Voting nay: Senators Atwood, Canfield, Clarke; Greive, Guess, Jolly, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sellar, Wanamaker, Washington, Whetzel—16.

Excused: Senator Durkan—1.

REENGROSSED SENATE BILL NO. 2004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD SUBSTITUTE SENATE BILL NO. 2843, by Committee on Local Government (originally sponsored by Senator Fleming):

Authorizing counties, cities, and towns to participate in and implement federally-assisted grant-in-aid programs.

The Senate resumed consideration of Third Substitute Senate Bill No. 2843, which was placed on second reading Tuesday, January 22, 1974, and the following amendment moved for adoption on that day by Senator Rasmussen:

On page 1, strike all of section 2.

Debate ensued.

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

On motion of Senator Fleming, the following amendments by Senators Fleming and Woody were adopted:

On page 1, section 2, line 22, after "Transfer" and before the comma, insert "to any public corporation, commission, or authority".

On page 1, section 2, line 26, after "organizations" strike all the matter down to and including "government" on line 27 and insert "funded by the federal government when acting solely as coordinators or agents of the federal government".

On page 2, section 2, line 3, after "contracts" strike the comma and on line 4 strike "promises, and representations".

President Pro Tempore Henry presiding.

Senator Rasmussen moved adoption of the following amendment:

On page 2, section 3, line 6, after "association" strike "or individuals".

Debate ensued.

MOTIONS

On motion of Senator Talley, the amendment by Senator Rasmussen was laid upon the table on a rising vote.

On motion of Senator Mardesich, Third Substitute Senate Bill No. 2843, as amended, was ordered held for further consideration following Senate Bill No. 2574.

President Cherberg assumed the Chair.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate of Edie Adams, star of stage, screen, radio and television and appointed Senators Keefe, Woodall, von Reichbauer, Twigg, Fleming, Jones, Scott and Mardesich to escort the honored guest to a place of honor on the rostrum.

MOTION

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

SENATE RESOLUTION 1974-175

By Senators Keefe and Woodall:

WHEREAS, Edie Adams has within the past decade established herself as the most versatile and brilliant star in the entertainment firmament; and

WHEREAS, Edie Adams has been honored by her professional contemporaries with the title of "Miss U.S. Television," with the Donaldson Award in two categories, with the coveted Tony Award and with two Emmy Award nominations; and

WHEREAS, She has achieved the highest levels of popular and critical acclaim as a recording artist, a movie actress, a television artist, as a singer of both popular and classical music; and has given a new dimension to the presentation of television commercial messages; and

WHEREAS, She has made her unique talents available for an appropriate observance of the Tenth Anniversary of the renowned Seattle Opera;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does commend Edie Adams for her many contributions to the cultural entertainment and business life of our country, and does declare her this state's Most Attractive Man of the Year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Glynn Ross, General Director of the Seattle Opera, and to Edie Adams.

With the consent of the Senate, business was suspended to permit Miss Adams to address the Senate.

On the occasion of the Tenth Anniversary of the Seattle Opera, a program was presented to the members of the Senate and visitors by the Seattle Opera.

Introductions of Glynn Ross, General Director, and the performers were made by the President.

A certificate as an Outstanding Citizen was presented to Miss Adams, as well as a copy of the resolution.

The committee escorted Miss Edie Adams from the Senate Chamber and the committee was discharged.

MOTION

At 12:10 p.m., on motion of Senator Mardesich, the Senate recessed until 1:10 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:10 p.m.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Ralph Nader and appointed Senators Connor, Atwood, Bailey, Lewis (Harry), Mardesich and Matson to escort Mr. Nader to the rostrum.

REMARKS BY THE PRESIDENT

The President: "Honored members of the Senate, ladies and gentlemen, we who spend much of our life in the political arena and the legislative forum probably more than anyone else come to acknowledge and appreciate the role of a true advocate. It is not that we always agree with every advocate because this would make the position needless, but rather we learn quickly to admire and respect the tenacious and eloquent qualities of a master of advocacy. This admiration and respect is even greater when the advocate under consideration represents those who, but for his existence, would receive very little representation. Mr. Ralph Nader has gained world-wide acclaim for his diligent pursuits as an advocate for the consuming public of America and it is a distinct privilege, Mr. Nader, to join with the members of the Washington State Senate in welcoming you here today.

"Mr. Nader has stated that following his remarks he would welcome any questions from members of the legislature."

With permission of the Senate, business was suspended to permit Ralph Nader, Consumer Advocate, to address the members of the Senate and the visitors.

The special committee escorted Mr. Nader from the Senate Chamber and the committee was discharged.

MOTION

At 2:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Thursday, January 24, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ELEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wash., Thursday, January 24, 1974.

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

The Color Guard, consisting of Pages Jeff Steffan and Roxanne White, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

“OUR HEAVENLY FATHER, WE THANK YOU FOR THE GOOD THINGS OF LIFE TODAY. AS WE STAND HERE, WE REALIZE THAT THERE IS HATRED, POVERTY, PREJUDICES, INJUSTICE THAT SEPARATES ONE MAN FROM ANOTHER. BUT WE ALSO AFFIRM THAT THERE IS A LOT OF GOOD AROUND US, AN AWFUL LOT OF WONDERFUL PEOPLE, AND WONDERFUL THINGS. YOU HAVE GIVEN THIS BODY OF LEGISLATORS THE OPPORTUNITY TO HELP MAKE THINGS BETTER IN THIS WORLD OF OURS. BUT REMIND US, AS WE PRAY TOGETHER, THAT LEGAL REMEDIES WILL NEVER COMPLETELY CHANGE THE WORLD. THE ONLY PERSON WHO CAN REALLY DO THAT IS JESUS CHRIST, AND WE THANK YOU FOR THE REVELATION OF HIM TO THE WORLD. HE CAN CHANGE IT THROUGH PEOPLE WHO HAVE THEMSELVES BEEN CHANGED. GIVE US TODAY, LORD, YOUR CLEANSING, YOUR LOVE, YOUR POWER AND GUIDANCE. WE GET MIXED UP WITH SELFISHNESS AND SIN AND OTHER HINDRANCES AND WE GET SEPARATED FROM YOU, BUT YOU NEVER SEPARATE FROM US. YOU ALWAYS LOVE US. HELP US TO KNOW IT THIS DAY, AND TO LIVE IN THE POWER OF THAT KNOWLEDGE. LET ENTHUSIASM FILL OUR LIVES TODAY. MAY GOOD THINGS HAPPEN THROUGH US AS WE GIVE OUR ABILITIES TO THE CHALLENGES BEFORE US. IN DEEPEST GRATITUDE WE THANK YOU FOR YOUR BLESSING ON THIS SESSION AND THIS DAY'S BUSINESS. THROUGH JESUS CHRIST OUR LORD WE PRAY. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1974.

ENGROSSED SENATE BILL NO. 2058, permitting service of traffic citations for offenses not witnessed by citing officer (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Marsh, Twigg, Woodall.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE BILL NO. 2401, providing for personalized license plates (reported by Committee on Parks and Recreation):

Recommendation: Do pass as amended.

Signed by: Senators Knoblauch, Chairman; Bailey, Canfield, Jones, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 2668, permitting housing authorities to make certain elections under unemployment compensation law (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Sellar, Woody.

Passed to Committee on Rules for second reading.

January 24, 1974.

ENGROSSED SENATE BILL NO. 2669, relating to unemployment compensation and requiring employing units to report refusal of offers of reemployment (reported by Committee on Labor):

Recommendation: Do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Matson, Ridder, Sellar, Woody.

Passed to Committee on Rules for second reading.

January 24, 1974.

ENGROSSED SENATE BILL NO. 2716, establishing a collective bargaining unit comprised of exempt employees who are liquor vendors (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Ridder, Woody.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE BILL NO. 2977, regulating the discharge of air contaminants from motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Talley, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

January 21, 1974.

SENATE BILL NO. 3118, relating to highway safety (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3118 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE BILL NO. 3145, permitting the establishment of satellite banking facilities (reported by Committee on Financial Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 3145 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Woody.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE BILL NO. 3147, declaring the state ferry system to be a mass transportation system (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Talley, Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE BILL NO. 3185, an act relating to unemployment compensation providing mandatory coverage for employees of public hospital districts (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Matson, Ridder, Woody.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE JOINT MEMORIAL NO. 106, providing for a second bridge across the Snake River funded with federal money (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mr. Tage Johansson and appointed a special committee consisting of Senators Walgren, Peterson (Ted), Jolly and Clarke to escort the honored guest to a place upon the rostrum.

The President turned the gavel over to Senator Gordon Walgren.

REMARKS BY SENATOR WALGREN

Senator Walgren: "Thank you very much, Governor Cherberg and lady and gentlemen of the Senate. It is a pleasure for me to welcome here a gentleman who is visiting us at the request of the Joint Committee on Transportation and Utilities and to introduce him here to you this morning. Mr. Johansson is the technical manager for Stockholm Transit System in Sweden and, as such, he is responsible for the planning and technical specifications for all of their rolling stock. That system includes railways, subway cars and buses, as well as all the facilities for rapid transit stations, tracks, signal systems, electrical power supply, yards, shops, bus stations, storage and everything that makes a truly mass transit system work. Mr. Johansson is a professional mechanical engineer and has worked with the Swedish state railways, prior to his position at this time, from 1945 to 1966. He has had the opportunity of traveling over here in the United States and learning more about some of our facilities that we have as far as railway transportation is concerned. As some of you know, Representative Perry and myself and some representatives of the Metro Transit System in Seattle had the opportunity of visiting in Sweden about a month ago and were quite impressed with the transit system that is available to the citizens of the city of Stockholm. So it is with a great deal of pleasure that I introduce to you a gentleman who will be speaking to us this afternoon before our joint committee meeting at four o'clock and we hope that all of you who might be interested will be there and he will be with us here for a few days talking to some of our local officials, a gentleman who we are very pleased to have with us visiting here in 'Little Scandinavia', the state of Washington, Mr. Tage Johansson."

With permission of the Senate, business was suspended to permit remarks by the honored guest and Senator Ted Peterson.

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

MESSAGE FROM THE HOUSE

January 23, 1974.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 188,
 SUBSTITUTE HOUSE BILL NO. 541,
 HOUSE BILL NO. 554,
 ENGROSSED HOUSE BILL NO. 804,
 HOUSE BILL NO. 1202, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 188, by Representatives Knowles, Julin and Wojahn (by Judicial Council request):

Providing for a change in the method of computing the salary of the court administrator.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 541, by Judiciary Committee (originally sponsored by Representatives Eikenberry, Knowles, Gaspard, Smith, Polk, Swayze, Luders, May, North (Lois), Chatalas, Julin and Pullen):

Providing for injunctions affecting construction contracts.

Referred to Judiciary Committee.

HOUSE BILL NO. 554, by Representative Knowles:

Setting a time limitation for the transfer of prior service credits into the judicial retirement system.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 804, by Representatives Freeman, Bagnariol, Pullen, Eng, Kopet, Curtis, Hansen, North (Frances), Cunningham, Kelley, Smythe, Charette, Gaspard, Polk, Kuehnle, Barden, Eikenberry, Rabel, Hendricks, Schumaker, Kraabel, Pardini, Hayner, Randall, Matthews, Gilleland, Hansey and Leckenby:

Enacting the truth in spending act of 1974.

Referred to Committee on Financial Institutions.

HOUSE BILL NO. 1202, by Committee on Social and Health Services (endorsed by Representatives Parker, Adams, Jastad, Ellis, Fortson, Eng, Johnson, Savage, Freeman, Matthews, Hendricks, Zimmerman, Tilly, Beck, Chatalas and Gaines):

Enacting a good samaritan law.

Referred to Committee on Social and Health Services.

MOTIONS

On motion of Senator Sandison, Engrossed Senate Bill No. 2946, together with the point of order as raised by Senator Woody on January 22, 1974 on an amendment moved for adoption by Senator Guess on that day, was ordered to be considered as the first bill on the second reading calendar for Friday, January 25, 1974.

On motion of Senator Sandison, Senate Bill No. 2574 was ordered to hold its place on the second reading calendar for Friday, January 25, 1974.

SECOND READING

THIRD SUBSTITUTE SENATE BILL NO. 2843, by Committee on Local Government (originally sponsored by Senator Fleming):

Authorizing counties, cities and towns to participate in and implement federally-assisted grant-in-aid programs.

The Senate resumed consideration of Third Substitute Senate Bill No. 2843 on second reading. The bill had been amended on Wednesday, January 23, 1974.

On motion of Senator Fleming, the following amendment by Senators Fleming and Mardesich was adopted:

On page 2, line 6, section 2, strike the semicolon and insert "": PROVIDED, HOWEVER, That nothing herein shall be construed in a manner contrary to the provisions of Article VIII, section 7, of the Washington state constitution;"

Senator Rasmussen moved adoption of the following amendment:

On page 2, line 22, section 3, strike "liberally".

Debate ensued.

POINT OF INQUIRY

Senator Woodall: "Will Senator Rasmussen yield? Senator Rasmussen, you said that many of these people help themselves first. Have not you heard the old adage, 'Charity begins at home.'?"

Senator Rasmussen: "Yes, but I think that the legislature should take a good long look at the way and how charitable we are being with some of the people. And of course they are having a hard time getting the gas for their Cadillac now, and they are suffering privation that way, but I do not think we should encourage it by leaving the word 'liberally' in there."

Further debate ensued.

MOTIONS

Senator Talley moved that the amendment by Senator Rasmussen be laid upon the table.

The motion by Senator Talley failed on a rising vote.

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

There being no objection, the amendment by Senators Fleming and Woody to page 2, section 3, line 22 on the Secretary's desk was withdrawn.

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

On page 3, line 9, section 5, after "shall" strike "oversee" and insert "control".

On motion of Senator Rasmussen, the following amendment to the amendment by Senators Fleming and Woody was adopted:

Amend the Fleming/Woody amendment as follows: After "shall" insert "control and".

The motion by Senator Fleming carried and the amendment by Senators Fleming and Woody, as amended, was adopted.

Senator Rasmussen moved adoption of the following amendment:

Strike all material beginning with line 12 down through "assessments." on line 24.

Debate ensued.

POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Fleming yield? Senator Fleming, I have had some problems in my mind with this and when Senator Rasmussen brought up the word 'liberal' and some of the other connotations he had, I just wanted to ask you a question because it has never been clarified in my mind. The control of these funds, I think, is most important, but I do not know why they are not under better scrutiny and better control. Now we can remember back when in the Seattle area, in your district, there were two hundred and twenty-five to two hundred and fifty thousand of the fund that was unaccounted for. No one could explain what happened to it and to this day I have never been able to find out what happened to those federal funds that were allocated to the area that actually came in there, but were never accounted for. Can you explain that now? They were OEO funds."

Senator Fleming: "There was a controversy about 'X' number of dollars that was allocated for a particular operation, but I don't know of any funds that were not accounted for. There was some question at one point in time, but from my understanding, that question was cleared up. Secondly, when you talk about these funds, there is control. The city audits these corporations. They have full control of them. They appropriate the dollars and, quite naturally, even in state agencies sometimes we have some question as to where dollars are or how they were spent until we really get down and investigate and pinpoint them and then in most cases we know where they are. Now we might not particularly understand, you know, why it was done and we look into that and we try to resolve the problem. And I think the city fathers, they do the same thing from a legislative standpoint of view. So there is control, there is audit of these corporations. They own the corporations so they do control them. They are not corporations just running around doing whatever they want as some people would like you to believe. Secondly, there also is another vehicle because, let's face it, if you are going to be able to do a job for the preservation of your cities, for instance, the Pike Place Market. There are two entities there. There is an urban renewal and then there are also funds that come through from the federal government that we will be using. You have these areas, and let's face it, if the cities were able to go into that kind of business and do these kinds of things, you would have probably a lot more turmoil because too much politics would be in it as to trying to do certain things or not do things. I think by being able to set up these public corporations you volunteer expertise that they get. I think they are able to do a job. They have people that know what they are doing because if you did not, like the Pike Place Market, that would be difficult for the city itself to do that from city payroll and so forth without additional expenses and so on. So I think that the control is there and I think that we have to try and have faith in our local city fathers that they are going to look at the job and if they do not do the job, those people in those cities and counties will vote them out of office or whatever if they are not doing the job."

POINT OF INQUIRY

Senator Metcalf: "I have a question. I am not an attorney and perhaps I am asking the question to an attorney on the floor or Senator Fleming, but it has always bothered me when I see this kind of thing. On line 16 in the part that we are discussing removing, 'to transfer with or without consideration funds, real or personal property, property interests.' That bothers me a little. I understand legal talk that you really do not maybe mean quite that but just what is the legal meaning of transferring with or without consideration real estate or real property?"

Senator Woody: "To attempt to answer that, Senator Metcalf, it means of course that there can be a transfer without anything in return whatever between any of these public corporations that are authorized under the statute. It does not mean, for example, that one of the public corporations can transfer any of this to, for example, me as an individual or anybody else. That would be contrary to Article VIII, Section 7 of the Washington State Constitution. The government cannot give away to another private individual anything for free. It cannot be done. And that is why Senator Fleming and Senator Mardesich put in the first amendment concerning Article VIII, Section 7 of the Washington State Constitution. Technically, I do not think that amendment was necessary because it is the Constitution anyway, but by putting it in here we drew attention to anybody dealing with these public corporations that we recognize the Constitution and they had better, too."

Senator Metcalf: "Senator Woody, what we are saying is you can transfer with or without consideration from one government body to another but not to a private individual or private corporation. Is that correct?"

Senator Woody: "That is correct. If they did that they would be contrary to Article VIII, Section 7 and whoever did it, well the transfer would be an invalid transfer, a void transfer."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Fleming yield to a question please? Senator

Fleming, the other day and just a few minutes ago you referred to the city of Seattle conducting such projects as the Pike Place Urban Renewal Project and I thought I understood you to believe that this act is necessary to continue what they are presently doing. Is that your understanding?"

Senator Fleming: "No, this act is not necessarily to continue what they are presently doing in toto. Pike Street Market is part of an urban renewal but portions — it is a two-phase thing from what I understand — of it are being carried on through public corporations or they will be able to receive certain moneys through a public corporation with Pike Street Market. From my understanding I think there has been a possibility of a five hundred thousand dollar grant from Ford Foundation or something of this nature that would go through a public corporation to help continue the Pike Street Market. Now that is my understanding. What you indicated to me that this is an urban renewal because you have been associated with it, but from the best advice and information I have gotten from the city people, before the completion of this there will also be moneys used probably from either public corporation through the possibility of this act being in law."

Senator Van Hollebeke: "All right. That is a possibility. You clarified the point I wanted clarified."

POINT OF INQUIRY

Senator Van Hollebeke: "I would like to ask Senator Woody a question. If you think there is anything in this act which would affect the tax status of bonds issued either to allow public corporations to issue bonds — I think I saw that — and would it affect the tax status now, the Pike Place Urban Renewal Project may be closely involved with the Pike Place Market Preservation and Development Authority, which is a public corporation created by a city of Seattle charter, and one of the key things as to whether that public corporation will be able to do anything better than the city itself can do or be involved heavily is whether or not they will be able to issue bonds and if they do, will they have tax exempt status? Is there anything in here, Senator Woody, that you know of that would affect that?"

Senator Woody: "I must confess that I do not know the answer to that at all. I am not that well acquainted with bonds and their problems. Perhaps somebody else might have the answer to it."

POINT OF INQUIRY

Senator Canfield: "Would Senator Fleming yield? Senator, I really wanted to reserve my limited remarks to final passage, but this amendment seems to be the heart of the bill, and that is why I am speaking and asking for your consideration in answering my question. I think when this bill or something like it came up before that it looked pretty reasonably fair. As a matter of fact, I think I voted for it before. Something like this. And yet within the last year or so we have had just an unlimited number of criticisms of the actual functioning of the law. The duplication of authority or the overlap of authority, the unknown authority, and the furnishing of legal services by a flock of public legal aid services or attorneys that spring out of the brush here and there on the government payroll of some agency, and our people at least where I live were just completely frustrated because they did not know how to get a handle on any of these services, and when I talked to city and county officials they just threw up their hands and said they had no control. They just could not handle it. And so it seems to me that Senator Rasmussen's amendment is getting to the heart of this thing and I would appreciate your comment on it. It seems to me there is a lot of difference, Senator, between the concept, which appears to be pretty fair, and the operation, which seems to be bad."

Senator Fleming: "Senator Canfield, in answer to the first part of your question, you are right on. It is getting to the heart of the bill. Senator Rasmussen would like to kill the bill because this amendment guts the bill. It is as simple as that. Now when you start talking about legal services and all these other kinds of things, we are not talking about this type of operation because that is another concept and another type of bill that we passed the other day on legal aid. We are not talking about that kind of thing in there. There are controls on

that type of situation, but those types of controls I do not know. I do not think they are as tight as the ones that we have here. These corporations that we are talking about now, it is just like any other corporate structure. There is control in that structure. And what I am saying and what I have been trying to get across to the members of this body, that these corporations as they have been operating, they are owned by the city. And if I own something, I control it. Now, it is up to those city fathers that we elect in office to determine how that control is to be administered. Now in some cities maybe the city fathers might be a little more – I do not want to use the word that Senator Rasmussen struck out – they might go a little more liberally in administering the policies. In other cities they might be a lot more, and I do not know if I want to use that word either, conservative – in their administration, but be that as it may, there is control. These city fathers are aware that the decisions that they make are decisions that the people are going to look at and they are going to be held accountable because they are controlling that and they are the ones appropriating the dollars, as we do. And so I think the things that you are concerned about, those things are covered. Now I cannot justify why in Spokane when revenue dollars start rolling in and they start using them for these kinds of things or why in Yakima or why in Tacoma they will act a little different in forming these corporations than they will in Seattle. I cannot justify that. But I do feel as though we should give them the opportunity, the dollars are going to be coming in this, we know it is much needed for us to be able to render services to our communities that otherwise we will not be able to do because of constitutionality and because we will not have these federal dollars coming in.

“And lastly, it is all federal dollars, not city dollars, and it is not state dollars, and I think that this is the main point. There is control. I think we need it. If we do not get this bill as it is now, we are going to lose a lot of dollars. We are going to lose millions of dollars, and some other state is going to get them. And I would hope that you would join with me again, Senator Canfield, and vote against this amendment because I think that it is much needed and I think that we all can be proud.”

Further debate ensued.

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

On motion of Senator Metcalf, the following amendment by Senators Metcalf and Fleming was adopted:

On page 3, line 29, section 6, after “authority” and before “to” insert “is or was operating shall have jurisdiction and authority”.

On motion of Senator Fleming, Engrossed Third Substitute Senate Bill No. 2843 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 2843, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Clarke, Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—34.

Voting nay: Senators Canfield, Lewis (R. H. “Bob”), Matson, Metcalf, Newschwander, Odegaard, Rasmussen, Sellar, Woodall—9.

Absent or not voting: Senators Donohue, Whetzel—2.

Excused: Senators Bottiger, Guess, Twigg—3.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2989, by Senators Mattingly, Talley and Sellar:

Authorizing members of legislative bodies of cities and towns to serve as volunteer firemen and receive like compensation and benefits as others so employed.

The bill was read the second time by sections.

On motion of Senator Sellar, Senate Bill No. 2989 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2989, and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Excused: Senators Bottiger, Guess, Twigg—3.

SENATE BILL NO. 2989, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED SENATE BILL NO. 2235, by Senators Walgren and Herr:

Requiring precinct officers to appear on absentee ballots.

The bill was read the second time by sections.

On motion of Senator Walgren, Reengrossed Senate Bill No. 2235 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2235, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—38.

Voting nay: Senators Clarke, Jones, Lewis (R. H. "Bob"), Murray, Peterson (Ted), Scott, Sellar—7.

Excused: Senators Bottiger, Guess, Twigg—3.

REENGROSSED SENATE BILL NO. 2235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2120, by Committee on Higher Education (originally sponsored by Senators Sandison, Canfield, Marsh and Gardner) (by Joint Committee on Higher Education request):

Imposing additional duties on council on higher education relating to technological education.

The bill was read the second time by sections.

On motion of Senator Sandison, Substitute Senate Bill No. 2120 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2120, and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Excused: Senators Bottiger, Guess, Twigg—3.

SUBSTITUTE SENATE BILL NO. 2120, having received the constitutional 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 Mardesich, Senate Bill No. 2211 was ordered to hold its place on the second reading calendar for Friday, January 25, 1974.

SECOND READING

SENATE BILL NO. 3077, by Committee on Agriculture (endorsed by Senators Jolly, Sellar, Washington, Day, Donohue and Matson):

Requiring identification of horses under certain conditions.

The bill was read the second time by sections.

On motion of Senator Jolly, Senate Bill No. 3077 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3077, and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Excused: Senators Bottiger, Guess, Twigg—3.

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.

MOTION

On motion of Senator Fleming, Senate Bill No. 2938 was ordered to hold its place on the second reading calendar for Friday, January 25, 1974.

SECOND READING

SENATE BILL NO. 2416, by Senators Bottiger and Walgren:
Implementing the law relating to motor vehicle theft.

REPORT OF STANDING COMMITTEE

January 17, 1974.

SENATE BILL NO. 2416, implementing the law relating to motor vehicle theft (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, section 1, after "or" and before "has" insert "*knowingly*".

On page 2, line 8, section 1, after "*within*" and before "*days*" strike "*ten*" and insert "*forty-five*".

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Clarke, Dore, Twigg, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were adopted.

On motion of Senator Woody, Engrossed Senate Bill No. 2416 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2416, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Atwood—1.

Excused: Senators Bottiger, Guess—2.

ENGROSSED SENATE BILL NO. 2416, having received the constitutional 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 Woody, the following resolution was unanimously adopted:

SENATE RESOLUTION 1974-176

By Senators Mardesich and Woody:

WHEREAS, Donald F. Jennings, Snohomish County Sheriff, died unexpectedly while on vacation in Mexico; and

WHEREAS, Donald F. Jennings served the courts of this State as an attorney and as a Justice of the Peace for many years; and

WHEREAS, Donald F. Jennings ably served as the sheriff of Snohomish County; and

WHEREAS, The law enforcement profession in the State of Washington has long benefited from his service, experience and judgment, including the Washington State Association of Sheriffs and Police Chiefs, the Washington State Law Enforcement Officers' Association, and the Snohomish County Peace Officers' Association; and

WHEREAS, The City of Everett and Snohomish County have benefited from his dedicated involvement in community affairs; and

WHEREAS, Donald F. Jennings was truly a "leading citizen" of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington conveys its deepest sympathy to his brother, George Jennings, and sister, Kathryn Watson, and expresses its abiding respect for the deceased.

BE IT FURTHER RESOLVED, That the Secretary of the Senate be instructed to prepare and forward a copy of this resolution to George Jennings and Kathryn Watson.

Appropriate remarks were made by Senators Woody and Canfield regarding Donald F. Jennings and family.

MOTION

At 11:45 a.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Friday, January 25, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, January 25, 1974.

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

The Color Guard, consisting of Pages Kathy Gfeller and Debbie Shinn, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

“OUR HEAVENLY FATHER, WE THANK YOU FOR THE OPPORTUNITIES OF SERVICE FOR THIS ANOTHER DAY. GIVE US THE ENERGY TO DO A GOOD JOB. YOU PACKED ENERGY INTO US WHEN WE WERE BORN, AND IF WE HAVE LOST IT THROUGH OUR OWN FAULT AND CARELESSNESS, HELP US TODAY TO EMPTY OUR MINDS OF ENERGY-DEPRESSANTS AND SEPARATE OURSELVES FROM ANYTHING THAT HAS TAKEN THE VITALITY OUT OF OUR NATURES. HELP US TO LIVE THIS DAY WITH POWER AND VIGOR AND LET LIFE BECOME A TREMENDOUS EXPERIENCE. HELP WITH EVERY PROBLEM. GIVE IDEAS AND INSIGHTS THAT WILL BENEFIT AND ENCOURAGE. MAY THESE LEGISLATIVE HALLS BE FILLED WITH A SENSE OF YOUR PRESENCE, LORD. WE ACKNOWLEDGE YOU IN THIS MOMENT OF MEDITATION. WE SAY WITH THE PSALMIST: ‘BLESSED BE THE LORD GOD . . . WHO ONLY DOETH WONDROUS THINGS. AND BLESSED BE HIS GLORIOUS NAME FOREVER; AND LET THE WHOLE EARTH BE FILLED WITH HIS GLORY!’

“NOW, FATHER, BLESS THE PRESIDENT OF THIS SENATE, AND EVERY SENATOR. GIVE EACH ONE YOUR DIVINE GUIDANCE AND SUSTENANCE. MAY WHAT IS ACCOMPLISHED IN THIS HALL TODAY BE IN ACCORDANCE WITH YOUR WILL FOR MANKIND. THANK YOU FOR BEING SO GOOD TO US AND GIVING US THE PRIVILEGE OF SERVING OTHERS. IN THE NAME OF YOUR SON JESUS WE PRAY. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1974.

SUBSTITUTE SENATE BILL NO. 2085, adopting portions of the Uniform Vehicle Code (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2085 be substituted therefor and that the second substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Guess, Jolly, Keefe, Knoblauch, Peterson (Lowell), Wanamaker, Washington.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 2480, relating to reforestation lands, disposition of proceeds (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2480 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 2627, providing that irrigation districts may purchase and dispose of electronic power under certain conditions (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Matson, Twigg.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 2997, directing the department of fisheries to maximize social and economic benefits from food fish and shellfish (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen, Sandison.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3021, requiring physical examination of every out-of-state vehicle before titling or licensing in this state (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Grant, Lewis (Harry), Marsh, Metcalf, Peterson (Ted), Rasmussen, Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3022, increasing the fee for inspection and assignment of a vehicle identification number (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Grant, Lewis (Harry), Marsh, Metcalf, Peterson (Ted), Rasmussen, Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3023, exempting certain activities from certain requirements of the environmental impact act (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Day, Sellar, Twigg.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3050, extending the time limit for local governments to develop a master plan for regulation under the shoreline management act (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Murray, Stortini, Whetzel.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3058, authorizing added functions for the school directors' association and authorizing school districts to contract with the association in relation to its performance of certain functions (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3082, providing for rules and regulations requiring school districts to publish statement of student responsibilities and rights of school district personnel respecting same (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3082 be substituted therefor, and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3144, making provisions for compensation for fish and wildlife losses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3156, providing for the cancellation of certain school district warrants (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3158, removing the section of traffic safety education from the division of curriculum and instruction of the superintendent of public instruction (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3168, allowing hearing examiners to assist in certain functions of the pollution control hearings board (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Donohue, Murray, Stortini, Whetzel.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3172, relating to humane treatment of animals (reported by Committee on Agriculture):

MAJORITY recommendation: That the bill be referred to Committee on Natural Resources.

Signed by: Senators Jolly, Chairman; Day, Sellar, Twigg, Washington.

There being no objection, Senate Bill No. 3172 was referred to the Committee on Natural Resources.

January 25, 1974.

SENATE BILL NO. 3313, providing for certain exemptions from the commission merchants laws (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Day, Sellar, Washington.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE BILL NO. 3375, mandating citizens to set officials' salaries (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE JOINT MEMORIAL NO. 134, requesting the federal government to protect the Washington state fisheries resource (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

January 23, 1974.

SENATE JOINT RESOLUTION NO. 149, amending the Constitution to establish a citizens' commission to set salaries of legislators and state-wide elected officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 24, 1974.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 122,
 ENGROSSED HOUSE BILL NO. 138,
 ENGROSSED HOUSE BILL NO. 474,
 ENGROSSED HOUSE BILL NO. 556,
 ENGROSSED HOUSE BILL NO. 582,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 597,
 REENGROSSED HOUSE BILL NO. 607,

ENGROSSED HOUSE BILL NO. 662,
 ENGROSSED HOUSE BILL NO. 966,
 ENGROSSED HOUSE BILL NO. 1011,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063,
 HOUSE BILL NO. 1226, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 122, by Judiciary Committee (originally sponsored by Representatives Benitz, May, Hayner, Ceccarelli, Hendricks, McCormick, Paris and Schumaker):

Making it unlawful to display indecent material.
 Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 138, by Representatives Kilbury and Kopet:
 Changing the rate of interest on delinquent property taxes from a variable rate to a uniform rate.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 474, by Representatives Smith, Bluechel, Sommers, Bausch, King, Ehlers, Zimmerman, Bauer, Blair and Gaspard:

Allowing state, city and county employees to engage in certain political activities.
 Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 556, by Representatives Maxie, Rabel and King:

Providing for student participation in community college tenure process.
 Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 582, by Representatives Martinis, Pardini, Thompson, Charnley and Kraabel:

Providing for the study and preservation of wild, scenic and recreational rivers.
 Referred to Committee on Ecology.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 597, by Committee on Social and Health Services (originally sponsored by Representatives Thompson, Zimmerman and Laughlin):

Providing for the development of public water supply systems.
 Referred to Committee on Social and Health Services.

REENGROSSED HOUSE BILL NO. 607, by Representatives Gallagher, McCormick, Knowles and Gaines:

Regulating tow trucks.
 Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 662, by Representatives Parker, Fortson and Rabel:

Relating to liability of persons withdrawing blood.
 Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 966, by Representatives Van Dyk and Zimmerman:

Providing for determination of municipal water rates.
 Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1011, by Representatives Flanagan, Randall and Newhouse:

Providing for assessment of livestock upon monthly average stock basis.
 Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, by Committee on Transportation and Utilities (originally sponsored by Representatives Douthwaite and Kraabel):
Changing the laws relating to metropolitan municipal corporations.
Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 1226, by Committee on Transportation and Utilities (endorsed by Representatives McCormick, Nelson, Gilleland, Patterson, Berentson, Ceccarelli, Beck, Pullen, Garrett, Gaines, Laughlin, Clemente, Bender, Kraabel, Hansen, Perry, Lysen, Gallagher, Leckenby and Charnley):
Regulating metro vehicles.
Referred to Committee on Transportation and Utilities.

MOTION

At 10:18 a.m., on motion of Senator Bailey, the Senate was declared to be at ease.
The President called the Senate to order at 11:55 a.m.

SECOND READING

ENGROSSED SENATE BILL NO. 2946, by Committee on Parks and Recreation (endorsed by Senators Knoblauch, Jones, Canfield, Bailey, Woody and Wanamaker):
Implementing the law of state shorelands and tidelands.

The Senate resumed consideration of Engrossed Senate Bill No. 2946. Senator Guess had moved adoption of an amendment by Senators Guess and Day on January 22, 1974, and Senator Woody raised the issue of scope and object of the amendment. There being no objection, Senator Guess withdrew his proposed amendment.

On motion of Senator Talley, Engrossed Senate Bill No. 2946 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2946, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—45.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Whetzel—2.

ENGROSSED SENATE BILL NO. 2946, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2574, by Senators Guess and Sandison:
Providing for master's degree of social work at Eastern Washington State College.
The bill was read the second time by sections.

On motion of Senator Guess, Senate Bill No. 2574 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Would Senator Guess yield? Senator Guess, I have no objection to the bill, but I am wondering why it is limited to Eastern Washington State College?"

Senator Guess: "Because the University of Washington has the degree on the west side of the mountains. It is only needed by one other school. This is adopted and approved by the Council on Higher Education and it is recommended by the Council on Higher Education because of the number of students who are on that side of the mountains."

Senator Canfield: "Does this meet the approval of the Ellensburg college?"

Senator Guess: "Ellensburg does not have the capability of offering this degree, Senator Canfield."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2574, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent or not voting, 4; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—39.

Voting nay: Senators Clarke, Twigg, Woodall—3.

Absent or not voting: Senators Durkan, Henry, Scott, Stortini—4.

Excused: Senators Bottiger, Whetzel—2.

SENATE BILL NO. 2574, having received the 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 Francis, Senate Bill No. 2211 was ordered to hold its place on the second reading calendar for Saturday, January 26, 1974.

On motion of Senator Fleming, Senate Bill No. 2938 was ordered to hold its place on the second reading calendar for Saturday, January 26, 1974.

SECOND READING

SENATE BILL NO. 3078, by Committee on Agriculture (endorsed by Senators Jolly, Sellar, Day, Donohue and Washington):

Making changes in the laws relating to commission merchants.

The bill was read the second time by sections.

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

On page 4, section 1, line 26, after "*hours*" and before the colon insert "*after packing occurs*".

On motion of Senator Jolly, Engrossed Senate Bill No. 3078 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3078, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—46.

Excused: Senators Bottiger, Whetzel—2.

ENGROSSED 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. 2969, by Senator Lewis (Harry):

Requiring the department of ecology to approve or disapprove air pollution variances within 60 days.

REPORT OF STANDING COMMITTEE

January 17, 1974.

SENATE BILL NO. 2969, requiring the department of ecology to approve or disapprove air pollution variances within 60 days (reported by Committee on Ecology):

Recommendation: Do pass with the following amendment:

On page 3, line 32, section 1, after "*within*" strike "*sixty days of receipt*" and insert "*sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance*".

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendment was adopted.

On motion of Senator Lewis (Harry), Engrossed Senate Bill No. 2969 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2969, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—46.

Excused: Senators Bottiger, Whetzel—2.

ENGROSSED SENATE BILL NO. 2969, having received the constitutional 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 Bailey, Senate Bill No. 3100 was ordered to hold its place on the second reading calendar for Saturday, January 26, 1974:

SECOND READING

ENGROSSED SENATE BILL NO. 2095, by Senators Bailey, Fleming and Lewis (Harry):

Allowing port districts to select a treasurer other than the county treasurer.

REPORT OF STANDING COMMITTEE

January 21, 1974.

ENGROSSED SENATE BILL NO. 2095, allowing port districts to select a treasurer other than the county treasurer (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, section 1, after "be" and before "treasurer" strike "*ex officio*".

On page 1, line 8, section 1, after "district" strike all the material down to and including "*designate*" on line 10 and insert "*unless the treasurer authorizes the commission to designate by resolution*".

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

On motion of Senator Fleming, Reengrossed Senate Bill No. 2095 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2095, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Wanamaker, Washington, Woody—40.

Voting nay: Senators Grant, Guess, von Reichbauer, Walgren, Woodall—5.

Absent or not voting: Senator Durkan—1.

Excused: Senators Bottiger, Whetzel—2.

REENGROSSED SENATE BILL NO. 2095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2132, by Committee on Local Government (originally sponsored by Senators Murray, Fleming and Bottiger):

Providing for a state criminal justice training commission.

REPORT OF STANDING COMMITTEE

January 16, 1974.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2132, providing for a state criminal justice training commission (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 11, section 22, line 18 of the engrossed bill, being line 13 of the printed bill, after "this" and before "act" strike "1973" and insert "1974".

On page 11, section 22, line 20 of the engrossed bill, being line 15 of the printed bill, before "1973-1975" insert "remainder of the".

On page 11, section 22, line 23 of the engrossed bill, being line 18 of the printed bill, after "this" strike "1973" and insert "1974".

On page 12, beginning on line 20 of the engrossed bill, being line 15 of the printed bill, strike section 24.

On page 1 of the title, in line 26 of both the engrossed and printed bills, after "43.100.910" strike the remainder of the title and insert "; and making an appropriation."

Signed by: Senators Fleming, Chairman; Connor, Jolly, Murray, Ridder, Talley, Whetzel.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

On motion of Senator Fleming, the committee amendment to the title was adopted.

On motion of Senator Fleming, Reengrossed Substitute Senate Bill No. 2132 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: "Mr. President, a question of Senator Murray. I hate to ask questions on this bill all the time, and my book does not show it, but you are positive that all of the amendments that we adopted at the last session which limited and excluded their right to pick a site are in this bill?"

Senator Murray: "That is certainly the intent. I have double checked to see that they are in this bill. The digest that we just received says that they are in this bill."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, with Senator Murray's assurance I will accept it. I have a different copy of the bill here and I was fearful that we may have to readopt every amendment that we adopted the last time on the floor and I wanted to be reassured that Law and Order was not circumventing law and order."

REMARKS BY SENATOR MURRAY

Senator Murray: "You will notice it is a substitute bill that incorporated all of the measures that we passed last time."

POINT OF INQUIRY

Senator Canfield: "Senator Bailey, I would hope that we could have that intent read into the record."

Senator Bailey: "Senator Canfield, that was the reason I asked the question, because it is in the record."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2132, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—40.

Voting nay: Senators Donohue, Matson, Odegaard, Rasmussen, Sellar—5.

Absent or not voting: Senator Durkan—1.

Excused: Senators Bottiger, Whetzel—2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, under Senate Concurrent Resolution 143, would it be the Chair's ruling that we cannot introduce any measure from here on? The intent of this resolution originally was to restrict it to general measures but to leave it open for revenue and taxation. As I read the resolution now I think that we have worded it so there can be no measure introduced after the closeout dates. The reason I raise this is that Senator Odegaard and I have a very good bill — a bill to postpone the effective date of House Bill 186 for another year. If necessary we could possibly use another title. The school districts are in a terrible shape over House Bill 186 and we wanted to get a ruling. So that we could judge our future action."

PARLIAMENTARY INQUIRY

Senator Fleming, "Along those same lines, besides the revenue and taxation, am I right to understand that we could still introduce any due related bills or not?"

MOTIONS

On motion of Senator Mardesich, a decision on the parliamentary inquiries by Senators Bailey and Fleming will be made by the President on Saturday, January 26, 1974.

At 12:35 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Saturday, January 26, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, January 26, 1974.

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 Day, Guess, Jones, Keefe and Twigg. On motion of Senator Bailey, Senators Day, Guess, Jones, Keefe and Twigg were excused.

The Color Guard, consisting of Pages Edward Wilderman and Wendy Horst, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE WANT TO THANK YOU FOR HEALTH AND FOR STRENGTH TODAY. WE WANT TO THANK YOU FOR THE ABILITY TO ENJOY LIFE AND TO FILL IT WITH GOOD THINGS. WE WANT TO THANK YOU FOR JESUS CHRIST, FOR HIS ENORMOUS APPEAL, FOR THE DYNAMISM OF HIS PERSONALITY, FOR THE ELECTRIC QUALITY OF HIS NATURE, FOR HIS LOVE, AND ALL THERE IS ABOUT HIM. AS WE STAND IN THESE SENATE CHAMBERS, WE REDEDICATE OURSELVES TO HIM AND TO DOING EVERYTHING WE CAN TO HELP MAKE HIS SPIRIT PREVAIL IN THIS COUNTRY AND THE WORLD. FILL US ALL WITH POSITIVE EMOTION TODAY. IN A WORLD OF NEGATIVISM, GIVE US THE UPWARD LOOK, AND THE OUTWARD LOOK. MAY WE BE ABLE TO SEE OPPORTUNITIES IN OUR PROBLEMS. AS JAMES LOWELL SAID: 'MISHAPS ARE LIKE KNIVES THAT EITHER SERVE US OR CUT US AS WE GRASP THEM BY THE BLADE OR BY THE HANDLE'. AND AS THE RUSSIAN PROVERB STATES: 'THE HAMMER SHATTERS GLASS BUT FORGES STEEL.' ASSIST, O LORD, THESE

LEGISLATORS AS THEY FACE THE DIFFICULTIES OF THEIR JOBS. MAY THEY, WITH YOUR HELP, TAKE THE KNIFE BY THE HANDLE. MAY THERE BE WITHIN THEM SUBSTANTIALITY, STRENGTH, FAITH . . . THEN WHEN THE GOING GETS A LITTLE TOUGH, THEY WILL NOT BE SHATTERED, BUT FORGED INTO STEEL. THANK YOU FOR THAT GREAT POSSIBILITY, THROUGH OUR LORD JESUS CHRIST. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1974.

ENGROSSED SENATE BILL NO. 2248, establishing certification procedures for court reporters (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 2388, requiring annexation resolutions and petitions to be acted upon within one year (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2388 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar.

Passed to Committee on Rules for second reading.

January 25, 1974.

ENGROSSED SENATE BILL NO. 2572, clarifying the authority of sewer districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder.

Passed to Committee on Rules for second reading.

January 25, 1974.

ENGROSSED SENATE BILL NO. 2675, revising the laws regulating chiropractic (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2675 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Herr, Jones, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 2689, creating a new juvenile court system (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2689 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Francis, Chairman; Clarke, Dore, Durkan, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 2988, providing referendum procedure for changes in salaries of elected state officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3004, increasing motor vehicle financial responsibility requirements (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Keefe, Mardesich, Walgren, Woody.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3031, abolishing the governor's power to proclaim public holidays (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3040, creating the Washington health care facilities authority (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Herr, Murray, Ridder, Twigg.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3042, enacting a state labor-management relations act (reported by Committee on Rules which recommends that the bill be referred to the Committee on Ways and Means):

Signed by: John A. Cherberg, Chairman; Senators Bailey, Guess, Herr, Keefe, Mardesich, Marsh, Peterson (Ted), Talley, Woodall.

There being no objection, Senate Bill No. 3042 was referred to the Committee on Ways and Means.

January 25, 1974.

SENATE BILL NO. 3044, providing for mandatory dates for holding certain elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3051, requiring that the state capitol committee approve state agency contracts for professional consulting services (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Scott, Wanamaker.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3059, authorizing port police to exercise full police powers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3102, providing for temporary appointments in case of vacancies in the office of United States senator (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Canfield, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3106, establishing a maximum 55 mile per hour speed limit on public highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3106 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Washington.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3152, allowing savings and loan associations to pay over balance of funds to an executor or administrator of an estate of deceased when such executor or administrator is appointed under the laws of any other state, territory or country (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Newschwander.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3153, including federal credit unions and savings and loan associations in the definition of "depository" in the "prearrangements contracts act" for cemetery services (reported by Committee on Financial Institutions):

Recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Newschwander, Walgren, Woody.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3159, transferring certain duties of state board of education to the council on higher education in the state of Washington (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Scott.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3184, permitting certain transfers between designated public retirement systems (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3195, providing health care insurance coverage for newborn infants (reported by Committee on Financial Institutions):

Recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Newschwander, Walgren, Woody.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3203, requiring interstate motor carriers to operate within ICC authority registered within the Washington Utilities and Transportation Commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3358, authorizing the disposition of the site and improvements of the Northern State Hospital (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Herr, Murray, Ridder, Twigg, von Reichbauer.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3366, granting certain powers to public utility districts (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Lewis (R. H. "Bob"), Wanamaker, Washington.

Passed to Committee on Rules for second reading.

January 24, 1974.

HOUSE BILL NO. 566, requiring savings and loan associations to pay for the cost of state supervision (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Newschwander, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 24, 1974.

LUDWIG LOBE, to the position of Member and Chairman of the Hospital Commission, appointed by the Governor on July 20, 1973 for the term ending July 1, 1977 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Herr, Jones, Murray, Ridder, Twigg, von Reichbauer.

Passed to Committee on Rules.

January 24, 1974.

NORMAN RAMSEY, to the position of Member of the Hospital Commission, appointed by the Governor on July 20, 1973 for the term ending July 16, 1977 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Herr, Jones, Murray, Ridder, Twigg, von Reichbauer.
Passed to Committee on Rules.

January 24, 1974.

ARTHUR S. BIDDLE, M.D., to the position of Member of the Hospital Commission, appointed by the Governor on July 20, 1973 for the term ending July 16, 1977 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Herr, Jones, Murray, Ridder, Twigg, von Reichbauer.
Passed to Committee on Rules.

January 24, 1974.

JON GALT BOWMAN, to the position of Member of the Hospital Commission, appointed by the Governor on August 7, 1973 for the term ending July 16, 1977 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Herr, Jones, Murray, Ridder, Twigg, von Reichbauer.
Passed to Committee on Rules.

January 24, 1974.

JOHN W. COLBY, to the position of Member of the Hospital Commission, appointed by the Governor on December 20, 1973 for the term ending July 16, 1977 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Herr, Jones, Murray, Ridder, Twigg, von Reichbauer.
Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 25, 1974.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 833,
ENGROSSED HOUSE BILL NO. 1144,
ENGROSSED HOUSE BILL NO. 1169,
ENGROSSED HOUSE BILL NO. 1173,
ENGROSSED HOUSE BILL NO. 1201,
ENGROSSED HOUSE BILL NO. 1203,
ENGROSSED HOUSE JOINT MEMORIAL NO. 17, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

RULING BY THE PRESIDENT

The President: "Senator Bailey and members of the Senate, in response to your inquiry with regard to the President's interpretation of Engrossed Senate Concurrent Resolution No. 143, the President believes that the time for introduction of bills is now past and that any measure must be approved for introduction by a two-thirds vote of each house if an exception is to be made."

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, by Committee on Local Government (originally sponsored by Representatives Blair, Paris, Douthwaite, Van Dyk, Rabel and Chatalas) (by Executive request):

Providing standards for detention and correctional facilities.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1144, by Representatives Ceccarelli, Pardini and Perry:

Providing for health care of newborn infants.
Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 1169, by Representatives Williams, Chatalas, Conner, Maxie, Brown and Eng (by Asian-American Advisory Council request):

Establishing the Washington commission on Asian-American affairs.
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1173, by Representatives Laughlin, Zimmerman, Bauer and Gaines:

Granting counties power to expend certain moneys.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1201, by Committee on Social and Health Services (endorsed by Representatives Adams, Parker, Fortson, Ellis, Paris, Savage, Cunningham, Hendricks, Johnson, May, Freeman, Wojahn, Zimmerman, Gaines and Tilly):

Authorizing cities to enter into health services contracts.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1203, by Committee on Social and Health Services (endorsed by Representatives Adams, Parker, Fortson, Savage, Cunningham, Freeman, Paris, Hendricks, Johnson, May, Ellis, Wojahn, Zimmerman, Gaines and Tilly):

Authorizing counties to enter into health services contracts.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE JOINT MEMORIAL NO. 17, by Representatives Martinis, Savage, Smythe, Conner, Thompson and Wilson:

Petitioning Congress to enact legislation to protect employee pension rights.
Referred to Committee on State Government.

MOTION

On motion of Senator Bailey, Senate Bill No. 2211 was ordered placed on today's second reading calendar immediately following consideration of Senate Joint Memorial No. 106.

SECOND READING

SENATE BILL NO. 2938, by Committee on Local Government (endorsed by Senators Sellar, Murray, Lewis (R. H. "Bob"), Jolly, Fleming, Gardner, Walgren, Connor and Talley):

Authorizing a fire protection district service charge.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2938 was substituted for Senate Bill No. 2938, and the substitute bill was placed on second reading and read the second time in full.

Senator Dore moved adoption of the following amendment:

On page 1, section 1, line 27, after "collected" and before the colon insert "and the service charge against an individual taxpayer shall not exceed an amount equal to one mill".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask someone, maybe the sponsor of the bill . . . I was reading the Governor's veto message and he says that if this act were to be approved the future would undoubtedly see many, if not all other, junior taxing districts attempting to achieve passage of similar legislation. Now my question is this, it does not make much difference whether it is a service charge or if it is a tax levy, it is still a charge on the property. How many other junior taxing districts would you anticipate—hospital districts, library districts and the same going to a service charge rather than to a tax?"

Senator Bottiger: "If you will look on page 2, the last sentence on page 1, starting in the second paragraph on page 2, you will see that we require that the amount of the service charge be directly related to the financial benefit received by the property. Now I cannot think of any other junior taxing district that can show a direct financial benefit as a result of an improving of services, unless you might get into a hospital district where if you had better ambulance services your Blue Cross premium might come down, something of that nature. But that would not relate to the property. That would relate to some other individual thing. I never did buy that argument of the Governor's in his veto message. I think our original bill avoided that problem. In direct answer to your question, I cannot see any other junior taxing districts that could show that. You have drainage, you might get it in drainage, a drainage or diking district might be able to show a direct financial benefit if they took care of some storm water or a thing of that nature, but they already have the LID method of financing."

POINT OF INQUIRY

Senator Washington: "Senator Bottiger, could you yield? I am concerned. We have a number of fire districts that cover large areas. Much of the land is open sagebrush land with very little grass. Now how would that be affected by this bill?"

Senator Bottiger: "Senator Washington, I have areas like that, too. Generally those fire districts have at least told me that there is not much they can do to improve their fire service to reduce premium. By the time the fire truck would get to the farmhouse it would have been burned anyway, and short of building a whole group of new firehouses and fire trucks and they would not have enough volunteers to man them, there is literally nothing they could do. So in the very rural areas, the very spread out farm areas, I do not think they would be under this bill. Incidentally, some of them do not levy two mills already."

Senator Washington: "One other point. There are some areas of land that have no buildings on them whatsoever. The only damage could be to the grass and sagebrush and there are many in that area who would like to have a good fire to get rid of the sagebrush."

Senator Bottiger: "Senator Canfield has an amendment on the Secretary's desk to make sure that we would not be able to apply the tax here to the crop land. Unless you insure your crop from fire and therefore have a fire insurance premium, you would not be under this bill. So just ordinary grazing land would not be included."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "I want to answer Senator Rasmussen's question, Senator Clarke's also. I would like to reiterate that one of my amendments takes care of this problem by a proper method of levying a tax, namely, under the forty mill law as amended by amendment 59. If we take care of that, we take care of Senator Dore's problem and all the other taxing districts, too."

POINT OF INQUIRY

Senator Dore: "I would like to inquire of Senator Bottiger — he says this is not going to cost the homeowner anything because the additional charge they pay is going to reduce the premium on their fire insurance. Now the question I want to know, is there any provision in this bill that Mr. Herrmann, the Insurance Commissioner, is going to reduce the

premium of our fire insurance in proportion to this charge? I never heard anything quite so 'iffy'. Now have you talked to Commissioner Herrmann that if this bill passes that the property owner will not in effect have to pay any more money because this additional charge resulted in the proportionate reduction in his fire insurance? Now if you have, then I will withdraw my amendment. Now I have talked to the firemen. They are my best friends, frankly, and I would like to go along with this bill, but I cannot go along to the penalty of the homeowner. Now you said your half mill. I said, 'What do you have in mind?' You did not give me any idea what you have in mind. He says, 'Why don't you just make it an amount equal to one mill, not half a mill because that would cut us too close?' Now maybe he does not know anything what he is talking about, but I again would like to ask the question. In your opinion, how high will this charge be on the individual householder, whether he gets it back in a reduced fire insurance premium or not, and how much money in the aggregate are we talking about, either on a county basis or state-wide basis?"

Senator Bottiger: "Senator Dore, up at Elbe we have a fire district that is a class ten, and throughout the state of Washington you range from class ten. Theoretically, you could hit a class one someplace, but I think the cities of Seattle and Tacoma hit class two and one-half and that is about as good as you can get, practically. You could get a lot better a lot more expensively. If you went to Elbe and — right now their fire equipment consists of an old milk truck — if you bought them a pumper you could move them from a class ten to a class seven. A class ten rate is ten dollars and sixty cents a thousand, a class seven rate is about four dollars a thousand. So you would have a lot of spread in Elbe. If you went out to Lakewood where Senator Newschwander is from and their problem there is, they are a class four going to a class six because they cannot keep up with the fire standards. And they could show and convince through their fire district commissioners that if they do not get this additional support for their fire district, their premium is going to go up. And that is what they would have to show. Their premium will go up if they do not do this kind of work. Now my point is, Senator, you are trying to come in here with a typical great big wide spade and shotgun approach and ask me to say for that particular household owner what is the maximum. It will depend, because if he lives across from a new firehouse he may have a dramatic change in his fire insurance premium and he may have a down premium and an up service charge. If he lives across the street from an existing firehouse, he might not have any change in his fire insurance premium. These things are measured by the rating bureau, how far you live from the firehouse, what the pressure is in the pump, how many times a week the men meet for their drill. Each fire district is graded. There is no way that I could give you a half a mill or a quarter mill that would be fair to everybody concerned."

Senator Dore: "Can you give us an idea of the dollar amount charged in every homeowner's property? Is it ten dollars or five dollars or . . ."

Senator Bottiger: "Senator Dore, you are back with your shotgun. I just told you, if you built the fire hall across the street from your house it might be a fifty dollar reduction in your fire insurance premium and a thirty-five dollar service charge. If you already live across the street from a fire hall, it might not have any change in either one."

MOTIONS

On motion of Senator Dore, the Senate commenced consideration of an amendment by Senator Canfield. Further consideration of the amendment by Senator Dore will continue following the amendment proposed by Senator Canfield.

Senator Canfield moved adoption of the following amendment:

On page 4, section 5, line 5, after "approved" strike "by a majority of the voters of the district" and insert "as provided in Article VII, Section 2, as amended".

Debate ensued.

MOTION

Senator Newschwander moved that the Senate commence consideration of the amendment by Senator Bottiger to page 4, section 5, line 10 before continuing the discussion of the amendment by Senator Canfield.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask Senator Bottiger a question before we move over to his amendment. Senator Bottiger, I am reading Amendment 17 to Article VII, Section 2, the one that Senator Canfield referred to, and I see no way, even as willing as many people probably would be to do this to apply a service charge, to have it come out on your tax statement, and have them be able to collect it, because when these people see a service charge on the tax statement and they will do as I think Senator Dore suggested. They will say, 'Well, how do we get this additional tax?' and it will be a tax, even though you call it a service charge. At the present time the fire districts may put a special levy on for the purposes of buying whatever type of equipment they want or for an additional service, which Lakewood, I think, Senator Newschwander, just did. Didn't they pass a five million dollar bond issue for upgrading their fire district? However, that was approved by a vote of the people as provided by the Constitution. I fail to see how you could ever collect this tax, and I am sure there would be people who would say, 'I did not approve this and I am not going to pay it.' Do you have an answer to that?"

Senator Rasmussen: "Senator Rasmussen, Senator Woody may have misspoken when he implied that the people would not know about it. The people would have to vote for it. The fire district commissioners would have to submit this service charge concept to the people and have them vote 'yes,' a simple majority vote, before the service charge could be applied. Now it would then appear on their tax statement and be collected. So the idea that they would not know what this new thing was about, I do not think is accurate. They would know. They would also undoubtedly be, if you know anything about local fire districts, they would be told because there would immediately be a citizen's group to get the fire insurance companies out to lower their premium if there were new equipment or new services involved. Out in the rural country we are kind of neighborly that way. We know what is going on in respect to our fire insurance premiums. Again, I can only tell you that you vote once on sidewalks, you people inside the city, it is a ULID. They assess it on the benefit received to your property. You vote once on it and then you pay for it. We are trying to apply that same concept to the providing of other governmental services. You do it on sewers, on drainage districts, flood control districts, all kinds of things where you have a service charge connected to the benefit received by the property. A fire service is the same thing."

Senator Rasmussen: "You did not answer the question, Senator Bottiger, in regards there is no provision for a three year levy in the Constitution. It provides for a one year."

Senator Bottiger: "Senator Rasmussen, as long as you make this a property tax, and you have to understand you are making it a property tax; I am saying it is not, as long as you make it a property tax you are right. There is not anything for a three year levy in the Constitution. But there is no restriction on a three year reaffirmation of a service charge. The city of Tacoma assesses a transit tax on their water bill. They collect it through their water bill. They call that a service charge and they presume that everybody receives something for the service charge. This is the same thing. I would like to strengthen the bill by saying you have to go back once every three years and reaffirm it with the people."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Bottiger yield? This would impose the tax on both personal and real property, and just scanning through it, I do not see any limitations so would it then impose the tax on household furnishings?"

Senator Bottiger: "Item one, it is not a tax. It is a service charge connected to the reduction in the fire insurance premium. The fire insurance premium is a self-imposed charge because if you do not want to insure your household goods and furnishings, you do not have to. Now it is the contents or the value of the property protected, and most of us insure our homes, most of us, I think, almost uniformly we insure our homes, especially if we owe any money on them the bank makes us insure our homes. So it is the improvements to real property including personal property."

Further debate ensued.

The motion by Senator Newschwander carried and the Senate commenced consideration of the amendment by Senator Bottiger.

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

On page 4, section 5, line 10, after "PROVIDED, That" strike all the matter down through and including "rejection" on line 14 and insert "such a service charge shall not remain in effect for a period of more than three years unless subsequently reapproved by the voters".

The Senate resumed consideration of the amendment by Senator Canfield to page 4, new section 5, line 5.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Canfield yield to a question? Senator Canfield, it is your intention by this amendment to require a vote in accordance with the wishes of people where they indicated that they wanted what used to be the forty mill limit; they wanted the twenty mill limit to be in force?"

Senator Canfield: "Whatever they want would be submitted to them for their vote under Amendment 59."

Senator Rasmussen: "Well, by an overwhelming vote they voted for the referendum which moved it down to twenty mills."

PARLIAMENTARY INQUIRY

Senator Woody: "If we adopt Senator Canfield's amendment, would we have both Senator Canfield's amendment and Senator Bottiger's and therefore two inconsistent provisions such as we had when we voted that forty dollar raise and in one portion of that bill we said that it would be inside the formula and the other major one we said it would be a straight forty dollar limit and there was a difficulty by the Attorney General as to whether or not the teachers would get forty dollars or whether they would get something other than forty dollars? If we adopt Senator Canfield's, would we have both inconsistent amendments in the bill?"

REPLY BY THE PRESIDENT

The President: "The President believes that if the Senate in its wisdom adopts both amendments that they will be enacted into law."

POINT OF INQUIRY

Senator Washington: "Would Senator Bottiger yield to a question? In what way has this bill been changed from the one that was vetoed by the Governor?"

Senator Bottiger: "Senator Washington, in innumerable ways. After the Governor vetoed that bill the proponents, the supporters of the bill, met with the Attorney General's Office, met with the Department of Revenue. There were problems in the former bill on collection, on the methods of assessing. There were also the references in the former bill to the property tax, in equating that, limiting it to certain percentage of dollars that would be realized under a part of a mill in property tax; and we have taken every reference therefrom out of this bill. So it is a service charge. It is more patterned after an LID than anything to do with property taxes."

Further debate ensued.

President Pro Tempore Henry presiding.

POINT OF INQUIRY

Senator Woodall: "Senator Clarke, would you yield? Would you please read out loud the first line of the title of this bill?"

Senator Clarke: "An Act relating to revenue and taxation. Well, Senator, I will agree that the title would lead you to the conclusion, but I think if you start talking about a bill based upon simply the title without reading what the bill does, that you are proceeding in an erroneous concept."

POINT OF INQUIRY

Senator Washington: "Would Senator Canfield yield to a question? Senator Canfield, I think you had a good point in perhaps wanting more than a simple majority, and as I read your proposed amendment, if you did have a majority of the voters as provided in Article VII, Section two, I think that is exactly what that would bring about, at sixty percent, would it not?"

Senator Canfield: "A sixty percent affirmative vote of a mythical or actual forty. Yes."

Senator Washington: "I have put an amendment on the Secretary's desk which would, on line 5 on page 4, insert the words 'a sixty percent majority' and I feel after listening to the argument, I have come into this without a great deal of knowledge of it, but it does appear to me that this is not a tax. I am thinking about it as someone who does own some vacant sagebrush property in an arid area and I think there are many people in the same position that I would be. If this were a tax, then I would be taxed along with everybody else for the improvement of fire protection for homes. Now I do not think it would necessarily be fair that my unoccupied sagebrush land should be so taxed. I look upon this as a step in the right direction, that it is going to be, whatever you call it, it is going to be a charge on only those who benefit by the action of the fire district. If the fire district does not produce a lowering of the rates, as I see it, there is not going to be any charge. I do think very possibly there should be a sixty percent vote. I am willing to go along on that and I would hope that you would withdraw your amendment. We would require this sixty percent vote. But again, while I am on my feet I think most of you should consider this, that this is a type of bill that shoots with a rifle right at the householder, the person who owns personal property, and if they reduce the amount of his insurance they pay for it. If it does not, you are a person like me, you do not pay for it because I have not received any benefit. This is not a tax. Clearly it is not a tax or my vacant sagebrush land would be taxed along with everyone else."

POINT OF INQUIRY

Senator Canfield: "Senator, will you yield? One thing I am concerned about is we are not just talking about fire protection districts. We are talking about the authority of any junior taxing districts to render service, are we not?"

Senator Washington: "No, I do not believe we are."

Senator Canfield: "It could be."

Senator Washington: "This is true, but in response to your answer, I think we have to answer each problem as it comes to us. This to me seems to be a logical use of the principle we have used before as we have said for local improvement districts, for special benefiting of property. And I am willing to go for this one because I see it setting out very clearly that it benefits particular pieces of property. Now when they come along with a figment in attempting to reach - I agree somebody will try it, they are going to try dozens of approaches, but I think we are going to establish here some real concrete cogent reasons why we are going to specially assess this kind of property and when someone comes along and tries to really use their imagination to find any advantage to it or increase in value, I think this body then will vote no."

Senator Canfield: "Senator, is not a fire district called a junior taxing district? It is not called a junior service district. It is a junior taxing district with the authority to levy taxes under certain conditions. And I would forecast that if we pass this bill with the definition of this as a service charge and not a tax, we will have every taxing district using the same justifiable interpretation to raise service charges and not taxes, of course, but it is in fact a raise in taxes."

Senator Washington: "I disagree with you there, Senator Canfield, because we do have a clear distinction between taxes and charges. And I would be the first to oppose any sort of

a nebulous attempt to have a concrete increase, to interpret some other approach by some other district as being a concrete increase in value when there really is not. What I think we have to do, we can always vote down bills if we say some time in the future we are establishing a precedent that is going to haunt us. Now we do that every time we pass a bill. We establish some sort of a precedent. But I think what we have to do is to assume that we will take logical steps and at the time we are not going to take that final illogical step that is going to take us over the edge of the precipice. And I am willing to take this step because I think it is logical. When someone comes up and tries to put a special property benefit on property because of libraries, I am going to say I am not going to take that step. Logically, it does not make sense and I do not think this body will follow it, but I do agree with you that we should have the sixty percent vote and that is the purpose of my amendment."

POINT OF INQUIRY

Senator Woody: "Would Senator Washington yield? How many times in the past have you seen sixty percent of the registered voters show up for any election, let alone vote for something?"

Senator Washington: "Maybe I have this in the wrong place. Now this is . . ."

Senator Woody: "The way you have it written, you say 'by a sixty percent majority of the voters in the district.' That is your own amendment."

Senator Washington: "Now I am going to be the first to agree because many times myself, I have objected to floor amendments because, and this is a case where I have sat here and listened to the discussion, but I think it should be a sixty percent majority of those voting."

Senator Woody: "When? At the last election or this election?"

Senator Washington: "You have asked a good question and I think maybe some more action needs to be taken for the amendment. I am not going to attempt to really stand on it. I attempted here to help and maybe I have confused it. I think perhaps we should get a comment from Senator Bottiger."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a further question? Senator Washington, I was quite interested that you felt that the service charge will not apply to sagebrush covered acres. You are, of course, aware that the service charge should be applied and probably will be because some of the most disastrous fires in history have been caused by sagebrush getting caught, particularly in the California area. We have the same situation here, fire in the sagebrush and roll over into the wheat fields and burn houses and it is just recently that this happened. Obviously, you would be covered with the service charge because you are required to support the protection for your neighbors, also."

Senator Washington: "Of course, I do. You have levy which is levied on all property and of course this property does pay for that. But where you have a service charge which is based purely on the fact that you are going to lower your insurance rates, my land is not insured. And this is based on lowering your insurance rate. As I sit here and listen to the debate, this bill is designed for the person who has a high insurance rate and they are attempting to bring it down. It is designed to help him. It is designed to help the person who has a relatively low insurance rate now and there is a threat that it will be advanced. This is designed just to help him."

PARLIAMENTARY INQUIRY

Senator Dore: "Is the Canfield amendment before us or is his oral amendment to another section of the bill or what?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The Canfield amendment is before us."

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

The Senate resumed consideration of the amendment by Senator Dore to page 1, section 1, line 26.

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Bottiger yield? Senator Bottiger, does this create a lien on the real property and does it also create a lien on personal property?"

Senator Bottiger: "Senator Van Hollebeke, there is one thing about people down here for the first time. They read the whole bill and sometimes they catch you. I do not know. You have obviously read it. Would you point the section out?" If you cannot find it, it does not."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I do not agree with that philosophy either."

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

Senator Bottiger moved adoption of the following amendment:

On page 2, section 1, line 22, after "association" insert "maintaining his or its own fire department and".

POINT OF INQUIRY

Senator Grant: "Will Senator Bottiger yield to a question? I gave you my copy of the bill, Senator Bottiger, so I cannot refer to it but I understand that the Boeing Company, as an example, which has a fire department -- is not within a fire district -- so the bill would not apply to them in any event, with a certain exception and that is some properties in the Tukwila area which are within a fire district. Now in adding your amendment that requires them to have a fire department, I approve of that generally, but does the fire department for the Boeing Plant -- let us say in Renton for example -- provide services to the Tukwila properties that are within the fire district or does the fire district in that local area provide the services? Let me ask you additionally, I understand that there are some oil refineries that maintain their own fire departments, but if I have a fire department at an oil holding in Anacortes or at a refinery in Anacortes, does that exempt me from this service charge if I have another refinery in Bellingham?"

Senator Bottiger: "Senator Grant, it was the intent of the amendatory language and of the exemption in the statute that it apply only to the property protected by your own fire department. I think the statute would not make sense to read any other way because the protection factor would then make an unequal application of the statute to all people and a court faced with that dilemma would read the statute to make it apply equally to all similarly situated."

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

Senator Canfield moved adoption of the following amendment:

On page 3, section 2, line 4, after "52.36.020" and before the period insert ": PROVIDED, That the term "personal property" shall not include field crops, livestock or other tangible personal farm property not ordinarily housed or stored within a building structure".

Debate ensued.

POINT OF INQUIRY

Senator Dore: "How about the cattle? Don't you bring them home at night, the cows, the milking cows? Are they not housed in structures or what? Would they be exempt?"

Senator Canfield: "In wording this, I feel in all honesty that if fire protection is worth anything it has got to cover machinery, for instance, if stored in a barn. It would have to cover hay stored in a barn. It would have to cover equipment stored in a barn. If you had a greenhouse that was flammable and you have crops growing in that and subject to fire, I think that might well be covered because it might catch from other buildings at least, but cattle out on the range that you cover under your declaration sheet I do not think ought to be covered, your sprinkler systems and growing crops and things of that sort, Senator, but if they are ordinarily put in a building which is subject to fire and fire loss, I think it is reasonable to levy this service charge."

Senator Dore: "How about chickens?"

Senator Canfield: "Chickens are ordinarily in a building and they generally are. I think that it is a real legitimate point to cover them under the service charge."

Senator Dore: "In other words, you do not want to exempt all animals?"

Senator Canfield: "No, not necessarily, Senator."

Senator Dore: "How do you determine if they are . . . ?"

Senator Canfield: "If they are subject to a fire hazard. That is what I am driving at."

Senator Dore: "Say they are in the building more than fifty percent of the time, then you would assess a tax against them?"

Senator Canfield: "Well, I think there would have to be a little reasonable judgment in that by the fire department."

Senator Dore: "I am just trying to understand your amendment, that is all."

Senator Canfield: "I am just trying to make it a reasonable application of the bill."

Senator Dore: "Now if you put your machinery in a building or under some type of a lean-to, then you tax it, but if you left it out in the field then, under your amendment they would not assess the tax?"

Senator Canfield: "That is the general idea. I think that if a person would store machinery out in the open, and I know some of them do, for the specific reason of avoiding the hazard of fire — if you would store them in a barn or a shed where you do have the possibility of fire — then I think it is reasonable to expect the service charge."

Senator Dore: "And when we make these personal property assessments we determine on a day certain, don't we? Like January 1 of this year? So if you moved everything out of a building on that particular day and the assessor came by and of course there would not be anything to assess under your amendment."

Senator Canfield: "As the body determined awhile ago, this is not a tax and so I do not think your problem there would apply to January 1."

Senator Dore: "I just wanted to get the full intent and I want to congratulate you. You have done indirectly for the farmers what we tried to do for all the people in your previous amendment."

Senator Canfield: "Thank you, Senator."

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

On motion of Senator Washington, the following amendments were adopted:

On page 4, section 5, line 5, after "a" and before "majority" insert "sixty percent".

On page 4, line 6, after "district" insert "voting".

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 2938 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: "Would Senator Bottiger yield to a question? Senator Bottiger, I agree with you on the good work the fire districts do. Senator Van Hollebeke asked you a question about whether this charge becomes a lien against the personal and the real property, and did I understand you correctly to say that if it was not in the bill it would not become a lien against the property?"

Senator Bottiger: "Senator Rasmussen, you catch me obviously unprepared to answer that question. I recall an old opinion or a case that indicated that the bill itself has to enunciate the ways of collecting it if it is a lien on property. I am not positive of that. I

think that is what I told Senator Van Hollebeke. I think the bill has to say so if it is to be a lien on the real property."

Senator Rasmussen: "Your statement is then that it will not become a lien on the property? It is not the intent of the bill that this charge become a lien against the real or personal property?"

Senator Bottiger: "Senator Rasmussen, I am not sure of that and I realize this is for the record and I simply cannot — I do not want a 'yes' vote because I said that it was not a lien. The section says it will be collected in the usual and normal practices. That sounds to me like language that would permit some form of collection procedure. The thing that concerns me about a lien is in a closing transaction if the title insurance company were to interpret this as to requiring the apportionment of costs in a closing, would a purchaser of property on which the service charge had not been paid be able to go back against the original owner or would he have to pay? I have a little concern there and I wish that Senator Twigg, who is probably a little bit more experienced in land transactions than I, were here. I am just not sure about that."

Senator Rasmussen: "Thank you, Senator Bottiger."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Bottiger put a complete cloud over it with his positive statements and I think it is a serious matter whether or not this charge becomes a lien and I hope that it will be cleared up, and I had hoped that he would clear it up with a positive statement because we have had court rulings that the service charges put on by the transit do not become a lien to the extent that you cut off your water service, but it is subject to a suit to collect it. This is a different matter and I think that it would very definitely become a lien against the property."

POINT OF INQUIRY

Senator Canfield: "If I may join your group as a curbstome lawyer, I would like to inquire, Senator Rasmussen, how you could collect or how you would pay for this service if there is no way of enforcing the collection? You could just say, 'I do not want to pay,' and if that is the end of it, there is no point in this bill. There has got to be some enforcement. It has either got to be through some collection device, a lien or something of the sort. That seems to be very plain even to a curbstome lawyer."

(No reply by Senator Rasmussen)

POINT OF INQUIRY

Senator Dore: "Would Senator Bottiger yield to a question? Senator, do you think it might be desirable to put it over until Monday to do a little research on the matter to see whether there is a lien or not on the matter, because some of the members may not vote for it if there is a lien on your property? You start moving out of your apartment or your house into someplace else and the next thing you know you cannot move your own furniture because there is a lien on it. I do not mind the enforcement situation. We had that with the household tax for transit. There was no lien there. There was a provision that the corporation counsel would sue directly for it. You may recall that. They sued a number of people and finally it became so burdensome they did not even enforce it and of course I hope this would not be the situation here. But I just wondered if to clarify it, it seems rather an important bill, the lien has always been a concern of the Democratic Party not to put a lien on people's homes, like say our senior citizens used to, after they died the state would pursue a lien against their homes and collect it. It has been something that the Democratic Party has been opposed to and I just wonder, in view of that, would it make some sense to maybe put it over to Monday to give you an opportunity to research it and then be able to emphatically tell Senator Van Hollebeke or Senator Rasmussen, 'No, there is not a lien,' or 'There is a lien,' so at least we could intelligently vote on it?"

Senator Bottiger: "Senator Dore, I would be willing to put it over until Monday."

POINT OF INQUIRY

Senator Mardesich: "Would Senator Bottiger yield to another question? Which is partially a question and partially a comment, I guess, Senator Bottiger. This says 'fire districts' and this is now. But what about later? What about the water districts? What about all those various other districts? Hospital districts, airport districts, all types of districts? There are countless numbers of them. Are they next? And if they are next, what is the purpose of the constitutional limitations with respect to property taxes? And this is what has concerned me about this measure. Otherwise, I would not have been going for some of those amendments that have been floating around here. But it seems to me we begin opening the door, park, flood, the whole works. And I wonder what your response to that feeling is."

Senator Bottiger: "Senator Mardesich, that has concerned me a great deal as well. Now first of all let us take sewer and water and knock those out right now because they have a service charge. You are taxed directly for the cost of putting the water main in front of your house by a running foot cost. It does not have anything to do with the value of the land. So many dollars per running foot. Sewers and water. Then you are charged by the volume of the service you use, water districts particularly. I am not quite sure, since we do not have sewers as far out as I live, but I understand you have a monthly service charge based on the square foot of the particular house or whatever is involved. But again, no value to the property. In hospital districts you might have, I can conceivably see a way – I do not buy it – I could see where you could make an argument that if your insurance premium were reduced, your Blue Cross or whatever it is were reduced because you had better hospital services in your area, then I could see that you could connect the reduction in your Blue Cross insurance premium by the location of that hospital but I doubt it very much. First of all, I do not think there would be a large enough reduction to make it worthwhile looking at. After you cross that line, I can find none, I can find no district that has any relation. Cemeteries are big users. You surely cannot argue that there is a value by having a cemetery closer to your home that has any connection to your land. A park district, they are not junior taxing districts. If you go to value your home, then you are on taxes. We are trying to get to the point that it has nothing to do with the value of your home. It is the service that is performed. Now schools have nothing to do – there is no way you can measure – there is a measurement against any particular property that you own by the value of your schools. The quality of your schools may reflect in the value of your home, but you cannot connect that to a service charge. Now if you went to the lunch that is offered in the school or the towel fee, we already charge a 'service charge' on that. The kids pay, at least my kids pay a towel fee in school. I cannot see anything where you can find a connection between the services offered, the quality of the services offered – and what somebody pays for those services like it does in a fire district with the insurance premium. It is a measurable value. Senator Mardesich, I cannot share your question. A school district, what can you measure a school district against? It most certainly has a value but what would you measure it against? The dollar value of your house? Is it going to lower any particular premium you pay on something?"

"Incidentally, libraries have been ruled that they cannot charge an LID because there is no measurable improvement to the property in a library district by the library services. And they cannot use the LID form."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I might say just for a moment before we start the roll call that you are using the wrong system. A number of years ago when I was mayor of a small town with a volunteer fire department, a large warehouse owned by a very wealthy man over in Yakima County caught on fire and we fought it all night, all day, and burned the paint on our new fire truck and sent him a very small bill for the work because it was outside the city limits. He objected to it and we had quite a time collecting it. A few months later the warehouse caught on fire again and the fire chief called and asked me what I thought he should do and I said, 'Call the guy up and see if he wants you to fight the fire.' About eleven o'clock at night. He decided he did. We had no trouble collecting."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, I am not quite sure what it means but it has been called to my attention, on line 21, section 3, reading in part, 'for the collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources,' so if somebody can tell me how you collect forest land assessments, whether it is by lien or otherwise, why then we have the answer to that question. I would presume that it is collected if it becomes a lien on the property, just like any other LID or any other charge of that kind is collected."

There being no objection, Senator Peterson (Ted) was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2938, and the bill passed the Senate by the following vote: Yeas, 27; nays, 14; absent or not voting, 1; excused, 6.

Voting yea: Senators Atwood, Bailey, Bottiger, Clarke, Connor, Durkan, Grant, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Ridder, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Woody—27.

Voting nay: Senators Canfield, Donohue, Dore, Fleming, Francis, Greive, Mardesich, Odegaard, Rasmussen, Scott, Stortini, Van Hollebeke, Whetzel, Woodall—14.

Absent or not voting: Senator Sandison—1.

Excused: Senators Day, Guess, Jones, Keefe, Peterson (Ted), Twigg—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2938, having received the constitutional 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 12:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, January 28, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, January 28, 1974.

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 Bailey and Dore. There being no objection, Senators Bailey and Dore were excused.

The Color Guard, consisting of Pages Gary Baker and Colleen Matheny, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

“ETERNAL GOD, CREATOR OF LIFE AND THE SOURCE OF ALL WISDOM, WE COME TO YOU AT THIS MOMENT BECAUSE WE READILY ADMIT THAT WE ARE NOT ALL-WISE AND ALL-KNOWING. AND YET IT HAS BECOME THE DUTY OF THESE SENATORS GATHERED HERE TO MAKE THE NECESSARY DECISIONS ABOUT THE DIRECTIONS WHICH THE PEOPLE OF THIS STATE WILL TAKE IN MEETING THE PROBLEMS WE FACE.

“WE RECOGNIZE THE DIFFICULTY OF MAKING DECISIONS IN THE ABSENCE OF COMPLETE UNDERSTANDING OF THE LONG-RANGE EFFECTS, BUT PROBLEMS DEMAND SOLUTIONS, AND ALTERNATIVES DEMAND CHOOSING. AND SO WE ASK YOUR SPECIAL GRACE FOR EACH ONE OF THESE SENATORS THIS DAY—GIVE TO THEM THE INSIGHT AND UNDERSTANDING WHICH THEY KNOW THEY LACK AND THEREBY HELP THEM TO MAKE THE DECISIONS OF THIS DAY WITH CONFIDENCE, AND THE ASSURANCE OF YOUR FORGIVENESS WHERE WE GO WRONG IN SPITE OF OUR BEST EFFORTS. IN CHRIST’S NAME WE PRAY. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1974.

SENATE BILL NO. 2726, relating to local government (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Connor, Lewis (R. H. “Bob”), Murray, Ridder, Sellar, Walgren.

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE BILL NO. 2940, limiting commercial salmon licenses (reported by Committee on Rules which recommends that the bill be referred to the Committee on Natural Resources):

Signed by: John A. Cherberg, Chairman; Senators Atwood, Bailey, Bottiger, Lewis (Harry), Mardesich, Marsh, Talley, Woodall.

There being no objection; Senate Bill No. 2940 was referred to the Committee on Natural Resources.

January 26, 1974.

SENATE BILL NO. 3026, mandating transporting of students to school in grades kindergarten through grade eight during daylight hours (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3026 be substituted therefor and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Newschwander, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE BILL NO. 3028, changing certain hearing requirements regarding franchises along public highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE BILL NO. 3135, providing for an alternate method of valuing real property.

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Fleming, Grant, Lewis (Harry), Woody.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 3143, extending the authority of hospital districts (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Jones, Murray, Ridder, Twigg.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3194, providing for increases in police and firemen's pensions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended, and refer to Committee on Ways and Means.

Signed by: Senators Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar.

There being no objection, Senate Bill No. 3194 was referred to Committee on Ways and Means.

January 26, 1974.

SENATE BILL NO. 3235, including nursing home employees within the minimum wage act (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Sellar, Woody.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3274, relating to fire districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE BILL NO. 3283, authorizing property tax exemptions and rental support programs for elderly, poor, and infirm persons (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3283 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Grant, Marsh, Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

January 25, 1974.

SENATE BILL NO. 3338, permitting the designation of exclusive bus and car pool lanes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE BILL NO. 3345, creating supplemental nutritional program for children in attendance in schools and child development centers (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators von Reichbauer, Chairman; Fleming, Newschwander, Odegaard, Peterson (Ted).

There being no objection, Senate Bill No. 3345 was referred to Committee on Ways and Means.

MESSAGE FROM THE HOUSE

January 26, 1974.

Mr. President: The House has passed:

REENGROSSED HOUSE BILL NO. 150,

ENGROSSED HOUSE BILL NO. 242,

SUBSTITUTE HOUSE BILL NO. 251,

HOUSE BILL NO. 799,

SECOND SUBSTITUTE HOUSE BILL NO. 1077,

ENGROSSED HOUSE BILL NO. 1208,

ENGROSSED HOUSE BILL NO. 1242,

HOUSE BILL NO. 1300,

HOUSE BILL NO. 1302,

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

REENGROSSED HOUSE BILL NO. 150, by Representatives Haussler, Smythe, Kalich and May:

Raising mileage allowance for county officers.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 242, by Representatives Luders, Knowles, Pardini and Patterson:

Declaring it a misdemeanor to duplicate or possess a duplicate of a key to a public building.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 251, by Judiciary Committee (originally sponsored by Representatives Knowles, Wojahn and Eikenberry) (by Judicial Council request):

Providing wrongful death actions in the case of the death of a child.

Referred to Judiciary Committee.

HOUSE BILL NO. 799, by Representatives Hayner, Benitz, Schumaker and Tilly:

Providing that county may let contract up to \$3,000 without bid.

Referred to Committee on Local Government.

SECOND SUBSTITUTE HOUSE BILL NO. 1077, by Committee on Commerce (originally sponsored by Representatives Wojahn, McCormick, Savage and Laughlin):

Requiring contractual provisions to provide hospitalization for alcoholism.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1208, by Representatives Smith, Polk, Thompson and Paris:

Providing for electrical contractor qualifying certificates.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 1242, by Representatives Gallagher, Hansey, Martinis, Erickson and Parker:

Providing for the use of hand-held gear for commercial salmon fishing.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 1300, by Representatives Conner, Tilly, Beck, Ellis, Bauer, Ceccarelli, Gaines and Hendricks (by Superintendent of Public Instruction request):

Reinstating Memorial Day and Veterans' Day on same days as holidays for other state employees.

Referred to Committee on Education.

HOUSE BILL NO. 1302, by Representatives Ceccarelli, Pardini and Gaspard:

Providing for changes in laws regulating industrial development corporations.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, by Representatives Adams, Parker and Wojahn:

Requiring the department of social and health services develop a cost-related reimbursement system for nursing homes.

Referred to Committee on Social and Health Services.

MOTION

Senator Washington moved that the following Senate bill be removed from today's second reading calendar and referred to the Committee on Ecology:

SENATE BILL NO. 3023, by Senators Guess, Jolly and Donohue:

Exempting certain activities from certain requirements of the environmental impact act.

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Jolly yield? As the bill is written right now it is fifty

second feet, beyond that point it has to have the environmental impact, below that it does not? Is that the situation?"

Senator Jolly: "The ruling is this is true. There is no law that I know of that says this but the ruling of the Department of Ecology is that anyone taking anything, anything has to have an environmental impact now. But this bill would limit it to fifty cubic feet per second."

Senator Canfield: "In other words, if you took over fifty second feet it would have to be approved by the environmental impact statement?"

Senator Jolly: "Under the ruling of the Department of Ecology, yes."

Senator Canfield: "That is what this bill does, it does give the Department of Ecology the right to exercise their judgment if it is over fifty second feet?"

Senator Jolly: "I think it would, yes."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Guess yield to a question? Senator Guess, this proposed bill is merely exempting them from an environmental impact statement?"

Senator Guess: "This is correct, Senator."

Senator Rasmussen: "They still would be required to get the water permit?"

Senator Guess: "They would still have to get the water permit, and I do not know if they would ever get one if we put this bill through because it will make Mr. Biggs so unhappy with me."

REMARKS BY SENATOR JOLLY

Senator Jolly: "Mr. President, in reply to the question Senator Canfield asked awhile ago, I can see where his problem is. The amendment put up by the Agriculture Committee limited to fifty cubic feet, and so if Senator Washington's motion does not prevail and this bill is left on the calendar, I will offer an amendment to the amendment that would say fifty cubic feet or less so it would not tie it just to the specific fifty cubic feet."

Further debate ensued.

POINT OF INQUIRY

Senator Woodall: "Will Senator Washington yield? You mean someone sitting over here in Olympia is going to be able to figure out the best way to water land in some other area of the state? Is that what you are telling us this morning?"

Senator Washington: "No, I am not saying that it was figured out . . ."

Senator Woodall: "Well, who is the super brain who is going to figure out where the water ought to go and where it should not go? Who is this super brain who knows all?"

Senator Washington: "At the present time, of course, our water is controlled by the Department of Ecology and I think that it should also give these considerations. They have the power, with hearings, to listen to the . . ."

Senator Woodall: "I know all that."

Senator Washington: "It would be the Department of Ecology."

Senator Woodall: "Who is the super brain who knows all and knows the best way to use water? That is what I am asking you."

Senator Washington: "I do not think there is any necessary super brain but . . ."

Senator Woodall: "You are saying it ought to be referred to this man who knows best and I want to know who he is."

Senator Washington: "I think right now it is required that this be done under law by the Department of Ecology, and I think the law should require the Department of Ecology to view the ecological environmental impact of large withdrawals of water such as this."

Senator Woodall: "One more question. You are quite biblical. The Bible says the desert shall blossom as a rose. Now what is wrong? How can there possibly be a bad effect by having water turn arid land into productive land? How can that possibly hurt anybody?"

Senator Washington: "It cannot possibly hurt anyone and, of course, if we could always do that it would be wonderful if we could always feel that by taking water from the ground or taking it from a stream we were going to produce the lush garden that you talk about. I hope that would be true, but we have seen many examples. All you have to do in flying over southern Arizona is to see what they did when they took tremendous amounts of the water from the land. They developed irrigation areas and now you fly over and you see vacant homes, you see irrigation ditches that have no water in them because they took too much water out of the ground. The ground level went so far down that instead of having the lush garden you talk about, they have ruined that area to where they have no hope for irrigation at all. There also have been areas where they have had excellent irrigation, the people have had their homes, they have had their farms, and then somebody else comes in and takes the water and if you take the water from them, certainly that is going to have an adverse ecological impact if you deprive farmers who now have water and take it away from them. That is an ecological environmental impact, and it is something that should be considered."

Senator Washington demanded a roll call, and the demand was sustained by Senators Connor, Greive, Whetzel, Jones, Lewis (R. H. "Bob"), Murray, Matson, Sellar and Wanamaker.

The President declared the question before the Senate to be the motion by Senator Washington that Senate Bill No. 3023 be taken from today's second reading calendar and referred to the Committee on Ecology.

ROLL CALL

The Secretary called the roll and the motion by Senator Washington failed by the following vote: Yeas, 18; nays, 27; absent or not voting, 1; excused, 2.

Voting yea: Senators Bottiger, Connor, Fleming, Francis, Grant, Greive, Jones, Mardesich, Marsh, Murray, Ridder, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel-18.

Voting nay: Senators Atwood, Canfield, Clarke, Day, Donohue, Durkan, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Sellar, Talley, Twigg, Wanamaker, Woodall, Woody-27.

Absent or not voting: Senator Metcalf-1.

Excused: Senators Bailey, Dore-2.

Senate Bill No. 3023 will remain on the second reading calendar for today.

SECOND READING

SENATE BILL NO. 3100, by Senators Durkan, Donohue, Sandison and Lewis (Harry): Transferring funds for use by the state patrol.

REPORT OF STANDING COMMITTEE

January 17, 1974.

SENATE BILL NO. 3100, transferring funds for use by the state patrol (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 5, section 1, after "Motor" strike "Vheicle" and insert "Vehicle".

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Fleming, Lewis (Harry), Marsh, Rasmussen, Sandison, Woody.

The bill was read the second time by sections.

On motion of Senator Durkan, the committee amendment was adopted.

Senator Durkan moved adoption of the following amendment:

On page 1, section 1, line 5, strike "Motor Vehicle" and insert "Highway Safety".

POINT OF INQUIRY

Senator Bottiger: "Would Senator Durkan yield to a question? Senator Durkan, the highway safety fund is projected to be in the red by the end of this biennium. Would there be any surplus money left over as a result of this transfer after the salary increases were paid?"

Senator Durkan: "The bill will raise about a million two and the first go around on the salary increases for the State Patrol would be about nine hundred thousand so the answer is yes."

Senator Bottiger: "About how many thousand?"

Senator Durkan: "Three hundred."

Senator Bottiger: "About three hundred thousand left? Thank you."

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

MOTION

On motion of Senator Durkan, Engrossed Senate Bill No. 3100 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Grant: "Would Senator Durkan yield to a question? Senator Durkan, the information you have relative to the State Patrol salaries, I have seen a copy of that and I think that is the current salary level for the State Patrol and other law enforcement agencies. As you have indicated, the beginning salary – the trooper's salary range – if I recall correctly, is from \$802 to \$1012, and the average salary of all law enforcement agencies is \$846. My question is, Senator Durkan, what will this put a beginning trooper at insofar as average salary? What increase would be provided under this measure?"

Senator Durkan: "The average salary will now be \$852, and that is comparable to \$946 in California."

Senator Grant: "You are sure that is the average and not the beginning point?"

Senator Durkan: "\$852, that will go up now. That is beginning salary."

Senator Grant: "That would be the beginning salary, not the average salary? It would be \$852 for a trooper or a fifty dollar a month increase?"

Senator Durkan: "Approximately, that is correct."

Senator Grant: "Thank you."

MOTION

At 11:55 a.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

At 1:35 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 4:05 p.m.

THIRD READING

ENGROSSED SENATE BILL NO. 3100, by Senators Durkan, Donohue, Sandison and Lewis (Harry):

Transferring funds for use by the state patrol.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3100.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3100, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Clarke, Greive—2.

Excused: Senator Bailey—1.

ENGROSSED SENATE BILL NO. 3100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 3021, by Senators Donohue, Henry and Twigg (by Department of Motor Vehicles request):

Requiring physical examination of every out-of-state vehicle before titling or licensing in this state.

The bill was read the second time by sections.

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

On page 2, section 2, line 31, strike "*motor vehicle*" and insert "*highway safety*".

On motion of Senator Durkan, Engrossed Senate Bill No. 3021 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3021, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Clarke, Connor, Greive—3.

Excused: Senator Bailey—1.

ENGROSSED 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.

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

REPORTS OF STANDING COMMITTEES

January 28, 1974.

SENATE BILL NO. 2940, limiting commercial salmon licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2940 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE BILL NO. 3329, providing for the certification of sites for thermal power plants (reported by Committee on Ecology):

Recommendation: That Substitute Senate Bill No. 3329 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE JOINT MEMORIAL NO. 135, memorializing Congress relative to motor vehicle emission standards (reported by Committee on Ecology):

Recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

MOTION

At 4:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:30 a.m., Tuesday, January 29, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, January 29, 1974.

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 Bailey and Durkan. There being no objection, Senators Bailey and Durkan were excused.

The Color Guard, consisting of Pages Thomas Pullman and Dori Wescott, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

“WE THANK THEE, OUR FATHER IN HEAVEN, FOR THIS SACRED MOMENT WHEN OUR HEARTS MAY BE UNITED IN PRAYER, AND WHEN FORGETTING ALL ELSE SAVE OUR NEED OF YOUR GUIDANCE AND HELP, WE MAY REACH UP TO YOU, EVEN AS YOU ARE CONSTANTLY REACHING OUT TO US.

“WE THEREFORE UNITE OUR PETITIONS FOR YOUR PRESENCE AND GUIDANCE UPON THIS ASSEMBLY AND UPON EACH SENATOR. IN THE MIDST OF LIFE’S STORMS WHICH THREATEN TO KNOCK US DOWN, REMIND US THAT YOU ARE AT OUR SIDE, AND THAT THE SUN IS SHINING DOWN UPON US EVEN THOUGH OBSCURED BY CLOUDS. AND EVEN THOUGH AT TIMES WE ARE TEMPTED TO LOSE FAITH IN THE FUTURE, IN OTHERS, AND IN OURSELVES, HELP US TO REGAIN THAT FAITH AND TRUST BY PLACING OURSELVES IN YOUR HANDS AND BY RESTING OUR CONFIDENCE IN YOU, THEREBY BEING RENEWED FOR THE TASKS CONFRONTING US THIS DAY. THROUGH CHRIST WE PRAY. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1974.

SENATE BILL NO. 2904, relating to savings and loan associations (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Clarke, Mardesich, Newschwander, Walgren.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 2916, relating to professional license fees (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2916 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Jones, Ridder, Twigg, von Reichbauer.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3001, permitting the use of Tiger cats (*Felis bengalensis*) as fur-bearing animals (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3007, amending standards for interest rates paid by public depositories (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Newschwander.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3046, promoting services for informing and aiding juveniles affected by diabetes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Francis, Jones, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3049, authorizing additional means of funding public employees deferred compensation plans (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3049 be substituted therefore and that the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3117, allowing alcoholic beverage service in bowling alleys (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3117 be substituted therefore and that the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3146, providing for art in public buildings (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 3146 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry).

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3192, providing for review of agency rules by the legislature (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott.

Passed to Committee on Rules for second reading.

January 26, 1974.

SENATE BILL NO. 3229, conforming metro enabling legislation to requirements of federal pollution control laws (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Murray, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3324, providing for the legal defense of public officers (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry).

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3336, permitting the replacement of emission control systems with other equipment which enables the vehicle to meet applicable emission standards (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3360, enacting the boating safety, regulation, and registration act of 1974 (reported by Committee on Parks and Recreation):

MAJORITY recommendation: That Substitute Senate Bill No. 3360 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Knoblauch, Chairman; Canfield, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3372, providing for public employment retirement (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry).

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE JOINT MEMORIAL NO. 131, requesting that the international joint commission delay any decision regarding Point Roberts until after hearing the recommendations of the Washington state legislature (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Canfield, Jones, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE CONCURRENT RESOLUTION NO. 144, establishing a select committee to study Point Roberts (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Canfield, Jones, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE CONCURRENT RESOLUTION NO. 147, authorizing study on Wahkiakum-Cowlitz county line park (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Canfield, Jones, Odegaard, Wanamaker.
Passed to Committee on Rules for second reading.

January 29, 1974.

ENGROSSED HOUSE BILL NO. 636, allowing the department of fisheries to supply salmon eggs for use in fish farming or aquaculture for any length of time (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen.
Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 28, 1974.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 717,
ENGROSSED HOUSE BILL NO. 767,
HOUSE BILL NO. 1133,
HOUSE BILL NO. 1180,
ENGROSSED HOUSE BILL NO. 1211,
HOUSE BILL NO. 1234,
HOUSE BILL NO. 1239,
HOUSE BILL NO. 1294,
ENGROSSED HOUSE BILL NO. 1296,
ENGROSSED HOUSE BILL NO. 1373, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 717, by Representatives Polk, Parker and Brown:
Relating to compensation of the organized militia.
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 767, by Representatives Polk and Parker:
Eliminating seniority as a basis for promotion in the state military.
Referred to Committee on State Government.

HOUSE BILL NO. 1133, by Committee on Social and Health Services (endorsed by Representatives Adams, Parker, May, Jastad, Fortson, Ellis, Johnson, Wojahn, Savage, Matthews, Freeman, Rabel, Eng, Hendricks and Kelly):

Prohibiting discrimination against licensed health professionals employed by or associated with health care service organizations.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1180, by Representatives Thompson, Gaines and Zimmerman:
Relating to purchases of election materials.

Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 1211, by Representatives Haussler, Bausch, Hendricks and Van Dyk:

Providing for an alternative date for filing of final budgets by port districts.

Referred to Committee on Local Government.

HOUSE BILL NO. 1234, by Representatives Brown, Randall and Hoggins:

Substituting a state hearing examiner appointed by state board of education to perform duties of county committees on school district organization.

Referred to Committee on Education.

HOUSE BILL NO. 1239, by Representatives Brown, Warnke and Fortson:
Reclassifies school districts with respect to number of enrolled students rather than total population of area and limits classification to first and second class districts.
Referred to Committee on Education.

HOUSE BILL NO. 1294, by Representatives Bauer and Hoggins (by Superintendent of Public Instruction request):
Enumerating additional impediments to local registration of teachers' certificates and additional grounds for revocation thereof.
Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 1296, by Representatives Warnke, O'Brien and Hayner (by Superintendent of Public Instruction request):
Reaffirming limited rights of state board of education over private schools.
Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 1373, by Representatives Laughlin, Haussler, Amen, Benitz, Hansen, Kilbury, Schumaker and Tilly:
Making changes in the laws controlling noxious weeds.
Referred to Committee on Agriculture.

SECOND READING

SENATE BILL NO. 3032, by Senator von Reichbauer:
Authorizing acceptance, management and expenditure by school district boards of directors of gifts and conveyances.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3032 was substituted for Senate Bill No. 3032 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3032 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 Murray: "Would Senator von Reichbauer yield to a question please? On line 8 of the bill, the first page, you use the term 'scholarship and student aid purposes.' Would this prohibit the use of the gifts or grants or bequests for the support of extracurricular activities?"

Senator von Reichbauer: "No, Senator. Student aid could include the use of such gifts for extracurricular purposes which would enhance educational progress of the students."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator von Reichbauer yield to a question? Senator, it says it allows the sale, lease, rent or exchange and investment or expenditure of the proceeds. Proceeds of what?"

Senator von Reichbauer: "Of the gift or donation given to the school district."

Senator Rasmussen: "Well, that is not just exactly clear."

Senator von Reichbauer: "It is pretty clear."

Senator Rasmussen: "Mr. President, it may be clear to Senator von Reichbauer but he has not clarified this. This is school property, Senator. Once you have accepted the gift it

then becomes the properties of the school and the school district, and this is one of the things that we do not permit school districts to do at the present time. Are you saying that they can do anything that they want with properties that belong to the people? Once it is accepted as a gift it then becomes a property that belongs to all the people. We do not allow that ordinarily. Most of this property, of course, is supported by taxes and this will be after it is accepted as a gift."

Senator von Reichbauer: "This is done de facto now and this is putting de jure what is de facto. My apologies to the lawyers. This is a situation similar to a trust, Senator. They are acting as trustees for a trust given to the school district."

Senator Rasmussen: "Is it clear to you?"

Senator von Reichbauer: "Yes, Senator, it is."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator von Reichbauer yield to a question? Senator, this provides that the school districts may enter into contracts and adopt regulations deemed necessary to provide for the receipt and expenditure of the foregoing. What type of contracts would you anticipate that it would be necessary for districts to enter into?"

Senator von Reichbauer: "I cannot think of anything specifically. As an example, if someone donated the apartment house or a building and the school was going to act as trustee for that, the school would have to have a manager for the building, for example, an apartment building."

Senator Van Hollebeke: "Where does the contract part come in?"

Senator von Reichbauer: "That is the contract between the manager and the school district on behalf of the trust for which the school district is acting as trustee."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3032, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Dore—1.

Excused: Senators Bailey, Durkan—2.

SUBSTITUTE SENATE BILL NO. 3032, having received the constitutional majority, was declared passed. 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 Senator Twigg:

Making class A, B, C, D, or H liquor licenses at Expo '74 valid for one hundred ninety days without renewal.

REPORT OF STANDING COMMITTEE

January 21, 1974.

SENATE BILL NO. 3122, making class A, B, C, D, or H liquor licenses at Expo '74 valid for one hundred ninety days without renewal (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 9, section 1, after "world exposition" and before "held" insert "approved by the Bureau of International Expositions".

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Scott, Wanmaker.

The bill was read the second time by sections.

On motion of Senator Twigg, the committee amendment was adopted.

Senator Newschwander moved adoption of the following amendment:

On page 4, section 1, line 33 after "transfer", add a new section to read as follows:

"Sec. 2. Section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 209, Laws of 1973 ex. sess. and RCW 66.16.040 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person of legal age to purchase alcoholic beverages [as provided in chapter 100, Laws of 1973] and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

(1) Liquor control authority card of identification of any state.

(2) Driver's license of any state or 'identocard' issued by the Washington state department of motor vehicles pursuant to RCW 46.20.117.

(3) United States active duty military identification.

(4) Passport.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash: *PROVIDED, HOWEVER, That a board approved credit card may be accepted in lieu of cash providing that the bank or institution issuing the credit card guarantees full payment of the liquor purchased without discount or other cost or charge to the state.*"

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator Metcalf: "Mr. President, I raise the question of scope and object of this amendment. It appears to me that the bill is a bill relative to Expo '74 in Spokane, whereas this amendment is an amendment to allow the credit card purchase of liquor and I think it does not properly fit under this bill and I raise the question of scope and object."

POINT OF INQUIRY

Senator Atwood: "Would Senator Metcalf yield? Under what Senate rule are you going or are you invoking it under the Constitution?"

Senator Metcalf: "It was my understanding that we are operating informally under the rules of the past. I am not sure of the constitutional question but I would ask the President to consider that in his ruling as to whether or not scope and object is of constitutional nature."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President, speaking to the point raised by Senator Metcalf, I do not think the Chair should be required to rule on issues of constitutionality and should only be required to rule on issues of Senate Rules, and since we have no Senate Rules that have the scope and object requirement, I do not think the point of Senator Metcalf is well taken."

REMARKS BY THE PRESIDENT

The President: "If there are no objections, the President should like very much to have the full opportunity to study the point as presented by Senator Metcalf and for that reason requests of the Senate that it proceed with the calendar and the President will make the ruling at a later time."

There being no objection, Senate Bill No. 3122, as amended by the committee amendment, the amendment as proposed by Senator Newschwander, and the point of order raised by Senator Metcalf were ordered held for a Ruling by the President on the scope and object of the amendment by Senator Newschwander.

MOTION

On motion of Senator Peterson (Lowell), consideration of Senate Bill No. 3284 will commence following Senate Bill No. 2939 on the second reading calendar for today.

SECOND READING

SENATE BILL NO. 3285, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Peterson (Ted), Metcalf, Talley, Sandison, Lewis (Harry) and Rasmussen):

Making changes in the laws relating to the disposition of money from the sale of certain food fish and shellfish.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), Senate Bill No. 3285 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3285, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—43.

Voting nay: Senator Grant—1.

Absent or not voting: Senators Dore, Stortini, Wanamaker—3.

Excused: Senator Bailey—1.

SENATE BILL NO. 3285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3037, by Senator Walgren:

Requiring that "no smoking" areas be designated on state ferries.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 3037 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3037, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue,

Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senator Wanamaker-1.

Excused: Senator Bailey-1.

SENATE BILL NO. 3037, having received the constitutional majority, was declared passed. 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 Senators Marsh and Francis:

Authorizing arrests for violations of superior court restraining orders under certain conditions.

REPORT OF STANDING COMMITTEE

January 21, 1974.

SENATE BILL NO. 3024, authorizing arrests for violations of superior court restraining orders under certain conditions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11, after "existence." add a new sentence to read as follows: "Any person violating this subsection shall be guilty of a misdemeanor."

On page 1, line 16, after "(3)" strike all of the material and insert the following: "Any law enforcement officer who makes an arrest pursuant to subsection (2) of this section shall submit to the superior court which issued the restraining order a written report of the facts surrounding the violation within seventy-two hours of the arrest."

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Marsh, Twigg, Woodall.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were not adopted.

Senator Marsh moved adoption of the following amendment by Senators Marsh and Woodall:

On page 1, section 1, line 5 after the colon strike the remainder of the section and substitute the following:

"(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction in an action for the dissolution of a marriage under this chapter who refuses to comply with the provisions of such order when requested by any peace officer of the state shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a certified copy of the court order which copy may be supplied by the court, the complainant or the complainant's attorney.

(3) It is a defense to prosecution under subsection (1) of this section that the court order was issued in violation of law or court rule: PROVIDED, That no right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest."

On motion of Senator Bottiger, the following amendment to the amendment by Senators Marsh and Woodall was adopted:

On line 4 of subsection (2) of the Marsh/Woodall amendment, strike "certified" and after "copy" insert "certified to be an accurate copy of the original on file by a notary public or the clerk of the court".

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

On motion of Senator Marsh, Engrossed Senate Bill No. 3024 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3024, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Bailey—1.

ENGROSSED 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.

SECOND READING

SENATE BILL NO. 2939, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley):

Changing the laws relating to buyers of smelt and smelt fishermen.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the following amendment by Senators Peterson (Lowell) and Talley was adopted:

On page 1, section 1, line 5, strike all of section 1 and insert a new section to read as follows:

"*NEW SECTION.* Section 1. There is added to chapter 75.28 RCW a new section to read as follows:

The statute of limitations for any violation of this chapter or any rule or regulation pursuant thereto shall commence on the date of the violation and shall run for two calendar years from that date."

On motion of Senator Peterson (Lowell), the following amendment by Senators Peterson (Lowell) and Talley to the title was adopted:

On page 1, line 2 of the title, strike "adding a new section to chapter 75.08 RCW; and" and in line 3 of the title, after "RCW" and before the period insert "; and providing a two-year statute of limitations for violation of chapter 75.28 RCW".

On motion of Senator Peterson (Lowell), Engrossed Senate Bill No. 2939 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2939, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Jones—1.

Excused: Senator Bailey—1.

ENGROSSED SENATE BILL NO. 2939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3284, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Peterson (Ted), Metcalf, Talley, Sandison, Lewis (Harry) and Rasmussen):

Making changes in the laws relating to the disposition of certain food fish and shellfish. The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the following amendment was adopted:

On page 1, line 15, after the period following "studies" strike the balance of the section and insert:

"[The director is prohibited from selling spawned out salmon carcasses or salmon in spawning condition for human consumption: PROVIDED, That such salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless such salmon are found to be unfit for human consumption by the department of health. That which is not fit for human consumption may be sold by the director for animal food, fishfood, or for industrial purposes.]

The director is authorized to sell, or in the event of an emergency otherwise dispose of, food fish or parts thereof taken during hatchery operations. Disposal by donation is prohibited except pursuant to court order. If such food fish are donated pursuant to a court order, they may not be sold by the recipient unless specific permission is granted in writing by the director. Any purchaser of food fish from hatchery operations shall be required to pay to the department of agriculture an amount equal to the costs of inspection to assure accurate grading and weighing by the purchaser. Such inspectors shall be employed by the department of agriculture."

On motion of Senator Peterson (Lowell), Engrossed Senate Bill No. 3284, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3284, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Talley—1.

Absent or not voting: Senator Grant—1.

Excused: Senator Bailey—1.

ENGROSSED SENATE BILL NO. 3284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2017, by Senators Bailey, Durkan, Peterson (Ted), Rasmussen and Washington (by State Treasurer request):

Making certain changes in the veterans bonus law.

On motion of Senator Rasmussen, Substitute Senate Bill No. 2017 was substituted for Senate Bill No. 2017 and the substitute bill was placed on second reading and read the second time in full.

President Pro Tempore Henry presiding.

On motion of Senator Rasmussen, Substitute Senate Bill No. 2017 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 Knoblauch: "Would Senator Scott yield to a question? Senator Scott, have you supported any of the bonus bills we have passed?"

Senator Scott: "No, and for the same reason. I do not think they are called for in light of the priorities we have here. There is no stipulation on how this money is to be spent. The money can go to the soldier's grandparents as well as the soldier himself. It can be disbursed in any number of ways that might or might not directly profit the individual involved."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2017, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; excused, 1.

Voting yea: Senators Bottiger, Canfield, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woodall, Woody—37.

Voting nay: Senators Atwood, Clarke, Jones, Lewis (Harry), Murray, Scott, Sellar, Twigg, Wanamaker, Whetzel—10.

Excused: Senator Bailey—1.

SUBSTITUTE SENATE BILL NO. 2017, having received the constitutional 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 Rasmussen, Substitute Senate Bill No. 2017 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 3130, by Senator Walgren:

Appropriating moneys for the Clearcreek interchange.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 3130 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: "Will Senator Walgren yield to a question? Senator Walgren, at the last session of the legislature the legislature passed a bill completing the four laning of the Bremerton highway to Bremerton in that death stretch where they have so many accidents."

Senator Walgren: "That is the Tacoma highway."

Senator Rasmussen: "It is a good highway. It needs some repairing. The Governor vetoed that portion which was to enable the extra traffic caused by the Trident submarine base. That is not included in this bill? Do you have another bill pending that that will take care of?"

Senator Walgren: "No, I do not, Senator Rasmussen. The Governor made his views rather clear with regard to that particular appropriation and we had some belief, although that has not been yet substantiated, that there were funds available from other projects that would go into that particular project to which you are referring but I have not seen anything of that nature yet."

Senator Rasmussen: "That is correct. He vetoed that but the assistant governor, Don Moos, also appeared in Tacoma and said that it would be nice to know what the federal agencies were contemplating so the state could make the proper preparation, and he

indicated that the Governor made a mistake when he vetoed that section. Is it possible to override the veto or would you prepare another bill to take care of that?"

Senator Walgren: "You can be assured that that particular project, as well as the other projects that were vetoed, there were a number of them as you recall, some eight or nine that we considered in committee as to whether or not we would try to override the veto. We determined that we would not do so but rather wait until — not this session but the following session of the legislature."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3130, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—43.

Voting nay: Senators Atwood, Lewis (Harry), Whetzel—3.

Absent or not voting: Senator Guess—1.

Excused: Senator Bailey—1.

SENATE BILL NO. 3130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2584, by Senators Odegaard and Talley:

Fixing compensation of diking district commissioners for labor other than attendance at meetings.

REPORT OF STANDING COMMITTEE

January 21, 1974.

ENGROSSED SENATE BILL NO. 2584, fixing compensation of diking district commissioners for labor other than attendance at meetings (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 14, section 1, after "*commissioners*" and before "*an*" strike "*delare*" and insert "*declare*".

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley, Whetzel.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendment was adopted.

On motion of Senator Odegaard, Reengrossed Senate Bill No. 2584 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2584, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf,

Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senator Connor—1.

Excused: Senator Bailey—1.

REENGROSSED SENATE BILL NO. 2584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2058, by Senators Bottiger, Henry and Woodall (by Legislative Council request):

Permitting service of traffic citations for offenses not witnessed by citing officer.

The bill was read the second time by sections.

On motion of Senator Woodall, Engrossed Senate Bill No. 2058 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 Dore: "Would Senator Woody yield to a question? You made the statement that in an arrest under these circumstances there is no right to make a search."

Senator Woody: "No, I did not."

Senator Dore: "I thought you did. You said the arrest would be made by citation."

Senator Woody: "No, I did not."

Senator Dore: "I made the previous statement that if the officer desired to they could get the person out of their car, make a personal search of his body and also his car. Now you made the statement on the floor that this was not true."

Senator Woody: "Are you asking me to yield to a question?"

Senator Dore: "I am trying to get to where I frame the question so you know what I am talking about. I made the statement that under an arrest under this statute the officer could give a citation and of course there would be nothing more. Or they could give a citation and get the person out of his car, search him personally and search his car. Now you made the statement this was not correct. Since then I have reexamined the bill, I read the bill drafter's digest which is made by our attorney. It says, 'authorize a law enforcement officer to arrest the driver involved in an accident the officer has witnessed if the officer has probable cause to believe that said driver violated traffic law or regulation in connection with the accident.' The general law is if you have a lawful arrest you can make a search. Now my question to you is this, where in the bill is there a limitation that there shall be no search? And if there is not such a limitation, on what authority, relying on your statement, that there cannot be a search?"

Senator Woody: "The only authority for a search incident to anything, even expanded by the most recent U.S. Supreme Court case which broadens it quite a bit, is incident to an arrest. If you arrest the person you can make a reasonable search and they have expanded what is reasonable. You issue a citation but do not arrest, no reasonable search. There has been absolutely no case, no statutory authority, no case law supporting a search incident to an issuance of a citation."

Senator Dore: "Let me ask you a specific question? Are you relying on the bill or just general knowledge of the Constitution? Is there some limitation in the bill?"

Senator Woody: "The bill does not give the right to search incident to a citation."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2058, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 2; excused, 1.

Voting yea: Senators Bottiger, Canfield, Clarke, Day, Donohue, Francis, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Scott, Sellar, Talley, Twigg, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—34.

Voting nay: Senators Atwood, Connor, Dore, Fleming, Grant, Greive, Mardesich, Ridder, Sandison, Stortini, Van Hollebeke—11.

Absent or not voting: Senators Durkan, Keefe—2.

Excused: Senator Bailey—1.

ENGROSSED SENATE BILL NO. 2058, having received the constitutional majority, was declared passed. 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 Peterson (Ted), Knoblauch and Rasmussen:

Authorizing the appointment of the secretary of the department of social and health services as a federal fiduciary with respect to estates of veterans.

The bill was read the second time by sections.

On motion of Senator Peterson (Ted), Senate Bill No. 3075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3075, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 2; excused, 1.

Voting yea: Senators Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—42.

Voting nay: Senators Atwood, Grant, Woody—3.

Absent or not voting: Senators Durkan, Lewis (Harry)—2.

Excused: Senator Bailey—1.

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.

President Cherberg assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2634, by Committee on Local Government (originally sponsored by Senators Clarke, Guess and Fleming) (by Executive Request):

Enacting the State Building Code Act.

MOTIONS

On motion of Senator Clarke, Second Substitute Senate Bill No. 2634 was substituted for Engrossed Substitute Senate Bill No. 2634, and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newschwander, the following amendment by Senators Newschwander and Lewis (Harry) was adopted:

On page 4, section 8, line 18, after "43.22," and before "70.79" insert "70.77,"

On motion of Senator Fleming, Engrossed Second Substitute Senate Bill No. 2634 was

advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Clarke yield? I have a few questions here, Senator Clarke. I know that you worked over this bill substantially in the Local Government Committee and that it is a much better bill than it was originally, no offense meant by that, but you have been working at it very hard. On page 2, new section 4, what this basically does, if any of the small outlying counties who do not have much in the way of current building codes, if their minimum standards are below the uniform building code, uniform mechanical code, uniform fire code, uniform plumbing code, or the uniform national standards specifications, then their particular standards that are under those minimums would no longer be applicable. Is that correct?"

Senator Clarke: "That is my understanding, Senator."

Senator Woody: "Would that be a hardship on some of the smaller outlying 'cow counties' if I may use that term?"

Senator Clarke: "No, Senator, I do not believe so. Actually, I think it would be of assistance to them because quite often they do not have the expertise to make these necessary determinations, and actually the standards were meant to cover just such situations as this. The exceptions really have to do with cities such as Seattle where they wish to impose ordinances that may for reasons of their particular industrial situation require difference in handling. But I do not believe there is any hardship on the smaller areas."

Senator Woody: "On line 32, page 2, it provides authority to the cities, towns and counties to adopt subsequent revision. In other words, if the uniform building code is revised nationally, it would require affirmative action by any city, town or county before any of those subsequent revisions would become applicable in that city, town or county. Is that correct?"

Senator Clarke: "I think the problem there is the constitutional question of delegation of authority. I do not think that it is proper to delegate to some other body which is making these standards and have it automatically adopted. It allows the areas to take a look at what the amendments are and if they have any reason to object to them, then they need not adopt them. But on the other hand, if they do wish to adopt them they can very easily and simply do so by reference."

Senator Woody: "In section 6, subsection (3) on page 3, it permits the cities, towns or counties to include or exclude specified classes or types of buildings, structures, etc., according to use or occupancy. Does this not really permit a vast exception possible to this act?"

Senator Clarke: "Yes, Senator, I believe it does, but this was one of the necessary compromises, in reality, to gain the support of areas such as Seattle because they do have a more sophisticated problem. It is true that the wording of the bill would seem to give them very wide authority as to using their discretion in making exemptions. On the other hand, I certainly think the intent is that they must be able to set forth some logical basis and reason for such exemptions. In short, I would rather agree with you that to an extent that emasculates the bill insofar as Seattle is concerned, and other cities of similar stature. But bills of this nature, quite often we have to proceed in steps on a compromise basis rather than take the whole thing at once. And in my opinion that is the reason for the inclusion of that wording."

Senator Woody: "Next, you except buildings of four or more stories high from the entire chapter. Why is this?"

Senator Clarke: "This again is a question where at some future date we may wish to remove that exception. This has to do, primary intent I suppose, with the high rise type of structure and there there well may be substantial differences in technology. That is the only answer I can give you, that again this is one of those instances where you have to use a judgment factor in order to obtain passage of the bill."

Senator Woody: "My last question would be on page 4, section 9 which provides that

local land use and zoning requirements, building setbacks, side and rear-yard requirements, site development, etc., are specifically removed from the local jurisdiction notwithstanding any other provision of this act. My question relates to sanitary provisions such as septic systems and sewer requirements. Do we want those in or out of this act?"

Senator Clarke: "I would prefer to yield to Senator Fleming on that particular point."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Senator Woody, that section that you are talking about, the reason it was excepted, the committee felt, and people testifying felt as though it would be more applicable in a land use planning field. In terms of your sewer and septicals I think that we looked at that further up in the bill where at the King County Health Department and so forth we found that in most of the cities their health departments have more rigid standards than does the building code and we felt as though that if we put them in here that would lessen them. That is why we excluded them. One other area, on the F occupancy we felt as though originally it was just Seattle. Senator Whetzel felt as though we should put an amendment in there to include all cities because there are only a few of them that are one, two, three rated. But if in the future they did acquire that rating, then they would be applicable for that. Now that other section was not necessarily Seattle, but you have some of the farmers where they have nonhabitable living such as barns, silos and so forth so they could exclude those."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Fleming yield to a question? Senator Fleming, referring to new section 7, page 4 of the bill, 'There is hereby established a state building code advisory council to be appointed by the governor,' but in looking through that section I cannot see what their duties are. It does not say what the advisory committee is supposed to do. It says they may gather and get paid per diem and so forth."

Senator Fleming: "You never have in any of the bills that you have where they establish a commission actually spelling out every detail of what they are going to do under that act."

Senator Rasmussen: "In that regards, we did it previously. Senator Peterson provided for an advisory committee in regard to the herring bill. The Governor vetoed that out. It would seem that you should someplace in this section provide for what their duties are. Are they to recommend changes in the act or are they just merely to advise the Governor that they are meeting?"

Senator Fleming: "If you will read down on line 8, it says, 'The council may include state officials as ex officio, nonvoting members. The board shall report annually to the governor and the legislature on the operation and administration of this chapter.' And they will make recommendations as to changes and so forth."

Senator Rasmussen: "Are they then to administer this act?"

Senator Fleming: "From my understanding, along with, for instance, there are different levels of administration like the Department of Labor and Industries administers the electrical inspecting, but this overall act, the commission would oversee the act and administer it and make sure and make recommendations and so forth just like the gambling commission or any other commission does."

Senator Rasmussen: "The gambling commission provided what their duties were to be. But then they are to administer the act, they will then set up a staff and there will be another full fledged commission that will be operating year around?"

Senator Fleming: "Other than the commission, the fifteen member commission, I think that there might be one additional of a staff member in the Department of Labor and Industries."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Grant: "Will Senator Fleming yield further? Senator Fleming, I do not think you answered the second question Senator Rasmussen asked you and that is, will the fifteen member commission be authorized per diem?"

Senator Fleming: "I would think they would, just like any other state commission. As a matter of fact, I recall that we did discuss that."

Senator Grant: "Then I would ask what price tag is attached to this."

Senator Fleming: "It was such a minimal amount, I think it is about sixteen thousand dollars."

Senator Grant: "Do you have a fiscal note on it?"

Senator Fleming: "Yes, I have."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2634, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Voting nay: Senator Rasmussen—1.

Excused: Senator Bailey—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2634, having received the constitutional majority, was declared passed. 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 Senators Marsh and Francis:

Enacting a savings clause for the dissolution of marriage act.

The bill was read the second time by sections.

On motion of Senator Francis, Senate Bill No. 3029 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3029, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Absent or not voting: Senator Woodall—1.

Excused: Senator Bailey—1.

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 JOINT MEMORIAL NO. 106, by Senators Donohue and Walgren:

Providing for a second bridge across the Snake River funded with federal money.

The memorial was read the second time in full.

On motion of Senator Donohue, Senate Joint Memorial No. 106 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 106, and the memorial passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—45.

Absent or not voting: Senators Lewis (Harry), Woodall—2.

Excused: Senator Bailey—1.

SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 2211, by Senators Francis and Whetzel:

Allowing prosecutor of King county to contract with attorney general to initiate support proceedings.

MOTIONS

Senator Mardesich moved that Senate Bill No. 2211 be re-referred to the Judiciary Committee.

Debate ensued.

Senator Woody moved that Senate Bill No. 2211 be held for consideration later today.

There being no objection, the motion by Senator Mardesich was withdrawn.

On motion of Senator Mardesich, Senate Bill No. 2211 was ordered placed at the end of today's second reading calendar.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 2583, by Committee on Transportation and Utilities (originally sponsored by Senators Matson and Peterson (Lowell):

Implementing the laws relating to motor vehicle size, weight and load.

The bill was read the second time by sections.

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

On page 2, line 12, following section 1, add a new section to read as follows:

"Sec. 2. Section 46.44.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.040 are each amended to read as follows:

(1) Except as provided in RCW 46.44.047 and 46.44.095 it is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds: PROVIDED, That a tolerance of two thousand pounds may be allowed on the rear axle of a two axle garbage truck and an additional two thousand pounds may be purchased under the provisions of RCW 46.44.095 for an amount not to exceed thirty dollars per thousand: PROVIDED FURTHER, That this tolerance shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed eighteen thousand pounds.

It is unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of [thirty-two] *thirty-six* thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highway supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds unless such axles are not less than one hundred and two inches apart, in which case, notwithstanding the provisions of RCW 46.44.045, the allowable gross weight including load shall be thirty-six thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

Except as provided in RCW 46.44.095 it is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of forty thousand pounds.

(2) The maximum axle and gross weight specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle or two axles specified in subsection (1) above."

Remember the following section.

Senator Walgren moved adoption of the following amendment:

On page 3, section 2, line 15, strike lines 15 through 19.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Walgren yield to a question? Senator Walgren, your amendment is on page 3?"

Senator Walgren: "Yes."

Senator Bottiger: "My understanding is that is a provision applying to these modular homes rather than triple trailers. Do you agree. . .?"

Senator Walgren: "Well, I think probably that was the purpose of the amendment in here originally, but I think that the reading of it would indicate that it would probably apply to the triple trailers also and for a continuous period of time as far as this amendment was concerned, or at least a one year period of time."

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

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

On page 1, line 4 of the title after "46.44.091;" insert "amending section 46.44.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.040;"

On motion of Senator Bottiger, Engrossed Second Substitute Senate Bill No. 2583 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 Canfield: "Would Senator Bottiger yield? I have a couple of questions I wish you would clear up before we vote on this. About this six hundred thousand pounds, three hundred tons, will the highways stand that kind of a load?"

Senator Bottiger: "Under the existing law there is not any maximum limit. What we are doing is putting in a maximum limit on special permits. If you will read the proviso, *'PROVIDED FURTHER* That in no event shall a permit be issued. . . .'"

Senator Canfield: "I understand that."

Senator Bottiger: "The testimony is that under certain conditions the massive wheeled vehicle moving a load of a tank or something of that nature, the Highway Department does permit them to do this and must, I guess, under certain circumstances, but they are at very

low speed. The bill went through without conflicting testimony from anybody that this was a desirable amendment.”

Senator Canfield: “My other question is, in no way does this allow triple trailers?”

Senator Bottiger: “It does not have anything to do with triple trailers.”

Senator Canfield: “Thank you.”

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2583, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Bailey—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2583, having received the constitutional majority, was 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. 134, by Senators Talley and Peterson (Lowell):
Requesting the federal government to protect the Washington state fisheries resource.

POINT OF INQUIRY

Senator Mardesich: “Before we leave the amending stage, this bill has a two hundred mile limit, is that not what it does?”

Senator Peterson (Lowell): “That has been taken out, Senator.”

Senator Mardesich: “What is in it now?”

Senator Peterson (Lowell): “The bill as it now reads would say, ‘WHEREAS recent studies indicate that fleets of commercial fishing boats outside territorial jurisdiction of the state of Washington.’”

Senator Mardesich: “On line 16. . . .”

Senator Peterson (Lowell): “Line 16 with the amendment is stricken, Senator, in its entirety and we insert ‘by.’ In other words, it would read, ‘NOW, THEREFORE, Your Memorialists respectfully pray that the administration and Congress cooperate in taking immediate action by whatever steps may be necessary to protect this invaluable Washington state resource.’”

REPORT OF STANDING COMMITTEE

January 24, 1974.

SENATE JOINT MEMORIAL NO. 134, requesting the federal government to protect the Washington state fisheries resource (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, on line 12 after “boats” and before “are” insert the following: “outside the territorial jurisdiction of the state of Washington”.

On page 1, strike all of line 16 and insert “by”.

On page 1, on line 17 after “whatever” and before “steps” strike “other”.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

The memorial was read the second time in full.

On motion of Senator Peterson (Lowell), the committee amendments were considered simultaneously.

On motion of Senator Peterson (Lowell), the committee amendments were adopted.

On motion of Senator Peterson (Lowell), Engrossed Senate Joint Memorial No. 134 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 134, and the memorial passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Bailey—1.

ENGROSSED SENATE JOINT MEMORIAL NO. 134, having received the constitutional majority, was declared passed.

MOTION

At 12:05 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:05 p.m.

MOTION

At 2:05 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease. President Pro Tempore Henry called the Senate to order at 4:10 p.m.

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

REPORTS OF STANDING COMMITTEES

January 28, 1974.

REENGROSSED SENATE BILL NO. 2366, relating to legislative redistricting (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 2973, making certain changes in the laws relating to support of stepchildren (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Durkan, Marsh, Twigg.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3030, making changes in the laws relating to mental illness (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3030 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3033, allowing certain nonadmitted corporations to deal in notes secured by deeds of trust on real property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Woodall.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3039, granting certain powers to the parks and recreation committee (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Knoblauch, Chairman; Bailey, Jones, Odegaard.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3054, creating the office of ombudsman for corrections (reported by Judiciary Committee):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Durkan, Marsh, Twigg, Woodall.

There being no objection, Senate Bill No. 3054 was referred to the Committee on Ways and Means.

January 28, 1974.

SENATE BILL NO. 3056, providing for initiative and referendum in counties (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3099, increasing the fee for filing abstracts of judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Greive, Marsh, Twigg.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3121, authorizing the appointment of additional judicial officers in municipal courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3181, providing for superior court judges in certain counties (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Clarke, Greive, Marsh, Van Hollebeke, Woodall.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3183, providing for conservatorships for gravely disabled persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Twigg, Van Hollebeke, Woodall.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3206, providing for a moratorium of one year from the charitable solicitation laws for nonprofessional fund raisers (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Clarke, Durkan, Marsh, Van Hollebeke, Woodall.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3212, enacting the group legal services act of 1974 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Greive, Twigg, Woodall.

There being no objection, Senate Bill No. 3212 was referred to the Committee on Ways and Means.

January 28, 1974.

SENATE BILL NO. 3243, providing for public disclosure by public officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Stortini, Washington.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3275, providing for the election of port commissioners (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 3296, revising the election law (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3312, revising the law relating to the criminally insane (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 3312 be substituted therefor, and that the substitute bill do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3371, authorizing procedure whereby preliminary budget of a school district may become its final budget (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Murray, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

MOTION

At 4:10 p.m., on motion of Senator Mardesich, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.
There being no objection, Senator Henry was excused.

SECOND READING

SENATE BILL NO. 3122, by Senator Twigg:

Making class A, B, C, D, or H liquor licenses at Expo '74 valid for one hundred ninety days without renewal.

The Senate resumed consideration of Senate Bill No. 3122, as amended earlier in the day by a committee amendment. An amendment proposed by Senator Newschwander earlier today was withdrawn.

On motion of Senator Twigg, Engrossed Senate Bill No. 3122 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3122, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 6; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—41.

Absent or not voting: Senators Durkan, Keefe, Lewis (R. H. "Bob"), Ridder, Sandison, Woodall—6.

Excused: Senator Henry—1.

ENGROSSED 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.

MOTION

On motion of Senator Lewis (Harry), Senators Lewis (R. H. "Bob") and Woodall were excused.

There being no objection, Senator Durkan was excused.

SECOND READING

SENATE BILL NO. 3022, by Senators Donohue, Henry and Twigg (by Department of Motor Vehicles request):

Increasing the fee for inspection and assignment of a vehicle identification number.

The bill was read the second time by sections.

On motion of Senator Donohue, Senate Bill No. 3022 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3022, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—42.

Voting nay: Senator Fleming—1.

Absent or not voting: Senator Ridder—1.

Excused: Senators Durkan, Henry, Lewis (R. H. "Bob"), Woodall—4.

SENATE BILL NO. 3022, having received the constitutional majority, was declared passed. 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 Committee on Agriculture (endorsed by Senators Jolly, Sellar, Matson, Day, Donohue and Washington):

Implementing the laws relating to estrays.

The bill was read the second time by sections.

On motion of Senator Jolly, Senate Bill No. 3079 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3079, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woody—42.

Absent or not voting: Senators Ridder, Washington—2.

Excused: Senators Durkan, Henry, Lewis (R. H. "Bob"), Woodall—4.

SENATE BILL NO. 3079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, Senator Ridder was excused.

SECOND READING

SENATE BILL NO. 3144, by Senators Peterson (Lowell), Peterson (Ted) and Talley: Making provisions for compensation for fish and wildlife losses.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), Senate Bill No. 3144 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3144, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 5.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Donohue, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody-41.

Absent or not voting: Senators Day, Dore-2.

Excused: Senators Durkan, Henry, Lewis (R. H. "Bob"), Ridder, Woodall-5.

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.

MOTIONS

On motion of Senator Peterson (Lowell), Senate Bill No. 2480 was ordered placed on the second reading calendar for tonight following consideration of Senate Bill No. 2211.

On motion of Senator Grant, Senate Bill No. 3375 and Senate Joint Resolution No. 149 were ordered placed at the beginning of the second reading calendar for Wednesday, January 30, 1974.

On motion of Senator Talley, Senate Bill No. 2470 was ordered to be placed immediately following consideration of Senate Bill No. 3375 and Senate Joint Resolution No. 149 on the second reading calendar for Wednesday, January 30, 1974.

SECOND READING

SENATE BILL NO. 3023, by Senators Guess, Jolly and Donohue:

Exempting certain activities from certain requirements of the environmental impact act.

REPORT OF STANDING COMMITTEE

January 25, 1974.

SENATE BILL NO. 3023, exempting certain activities from certain requirements of the environmental impact act (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendment:

On line 7, section 1, after "water" and before "for" insert "fifty cubic second feet".

Signed by: Senators Jolly, Chairman; Day, Sellar, Twigg.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendment was not adopted.

On motion of Senator Guess, the following amendments by Senators Guess and Jolly were adopted:

On page 1, line 6, after "of" strike "water" on line 7 and insert "fifty cubic feet of water per second or less".

On page 1, line 7, after "for" strike "private projects" and insert "irrigation projects promulgated by any person, private firm, private corporation or private association without resort to subsidy by either state or federal government".

On motion of Senator Jolly, Engrossed Senate Bill No. 3023 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 Murray: "Will Senator Canfield yield to a question? The term used in the

amendment is fifty cubic second feet? Is that an appropriate term? Shouldn't it be fifty cubic feet per second?"

Senator Canfield: "Fifty cubic feet per second is all right. We generally refer to it as fifty second feet. That is just another way of saying the same thing."

Senator Murray: "It is an accepted term in agriculture?"

Senator Canfield: "It is perfectly proper. Fifty second feet means the same as fifty cubic feet per second and is perfectly correct."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3023, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woody—34.

Voting nay: Senators Connor, Durkan, Fleming, Francis, Grant, Greive, Mardesich, Murray, Ridder, Washington, Whetzel—11.

Absent or not voting: Senator Bailey—1.

Excused: Senators Henry, Woodall—2.

ENGROSSED SENATE BILL NO. 3023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3080, by Committee on Agriculture (endorsed by Senators Jolly, Sellar, Donohue, Day, Washington and Matson):

Implementing the laws relating to livestock brands.

The bill was read the second time by sections.

On motion of Senator Jolly, Senate Bill No. 3080 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 Woody: "Would Senator Jolly yield? The digest does not explain this too well. To determine whether this applies just to cattle or whether it also applies to horses. Does it apply to horses?"

Senator Jolly: "No, the bill we passed day before yesterday applies to horses. This is only cattle."

POINT OF INQUIRY

Senator Canfield: "Will Senator Jolly yield? Senator, I want to be sure if I vote for this bill that I can tell the livestock people in our part of the country that this bill meets their unqualified approval. Can I tell them that?"

Senator Jolly: "We held a hearing in Yakima, Senator Canfield, and the cattlemen endorsed it. There is some controversy in the dairy farmers, that they are a little bit teed off about the five cent raise but the cattlemen's association over there endorsed it altogether, yes."

POINT OF INQUIRY

Senator Grant: "Senator Jolly, will this apply to goats?"

Senator Jolly: "I do not think so."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3080, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Excused: Senators Henry, Woodall—2.

SENATE BILL NO. 3080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3159, by Senators Sandison and Scott (by Superintendent of Public Instruction request):

Transferring certain duties of state board of education relating to higher education to the council on higher education in the state of Washington.

The bill was read the second time by sections.

On motion of Senator Sandison, Senate Bill No. 3159 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3159, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Excused: Senators Henry, Woodall—2.

SENATE BILL NO. 3159, having received the constitutional 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 Mardesich, Senate Bill No. 3358 was ordered to hold its place on the second reading calendar for Wednesday, January 30, 1974.

SECOND READING

SENATE BILL NO. 2211, by Senators Francis and Whetzel:

Allowing prosecutor of King county to contract with attorney general to initiate support proceedings.

The bill was read the second time by sections.

Senator Dore moved adoption of the following amendment:

On page 1, line 21, after the period add the following: "PROVIDED, That all attorney fees and costs assessed against support monies shall not exceed an amount equal to ten percent of the amount recovered: PROVIDED FURTHER, That any legal expenses and/or costs expended by the attorney general, and not recovered from support payments, shall be assessed against the county where the support proceedings were initiated."

POINT OF INQUIRY

Senator Bottiger: "Would Senator Dore yield to a question? Senator Dore, under the existing statute, of course, there is a contract between say -- Pierce County and the Attorney General. I do not know what the details of the financial arrangement are, but under your bill it would appear that there will be an additional cost to Pierce County for something that we are very happy with now. Do you have any idea what that will be?"

Senator Dore: "Senator Bottiger, I have no objection. Maybe I should make an oral amendment and provide that in AA counties, you are getting a free ride apparently, the state of Washington is paying for your collection of support payments in your county which I do not think is right but if you have had that for several years now and do not want to accept my amendment, because my amendment, I agree with you, would apply to all counties so perhaps I would just confine it to AA counties."

The following amendment by Senator Dore to the amendment by Senator Dore was adopted on a rising vote, the President voted "aye":

Amend the Dore amendment to page 1, line 21, as follows: After "PROVIDED, That" and before "all attorney" insert "in all AA counties".

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Would Senator Woody yield to a question? Senator Woody, during the many days that this matter has been on the calendar and we have not wanted to face up to a direct battle with Senator Dore on this issue, have you had a chance to check into the financial aspects of this and if so, what have you found out?"

Senator Woody: "Yes, I have. I have spoken with Richard Mattsen who is the Assistant Attorney General assigned to the Department of Social and Health Services to find out what the total impact of this is and including what the amendment that is before us would do. Number one, under their uniform reciprocal enforcement of support act, this is a situation where if, in Washington a mother and children are not being supported and the father or husband is down in California, at least out of state, they go after the fellow through the uniform reciprocal enforcement act. Neither the Attorney General nor the prosecuting attorney is entitled to take one dime out of whatever they collect unless the recipient, number one, is on welfare. That is a totally different matter from this. They have subrogation rights. If they are paying three hundred and forty-five dollars to a mother and the children who are on welfare, they have subrogation rights. That is, if you will recall last session that was House Bill No. 505 that we were trying to amend in certain regards. They have subrogation rights and naturally they are entitled, the mother if she is getting three hundred and forty-five for herself and the children, is not entitled to receive that plus two or three hundred from the reciprocal enforcement action out of state.

"If the person who is bringing this reciprocal enforcement action is not on welfare they can voluntarily contract with SECU to support enforcement which is entirely different from this bill, to collect their support for her. They charge six dollars and twenty-five cents a month for that. Now if something happened to Senator Dore's client that should not have happened, they ripped off fifty dollars out of one hundred and fifty, it should not have happened and I had a long conversation with Richard Mattsen about the fact that apparently this did happen and he is going to discuss this in detail with his staff throughout the state to make sure that it never happens again, if it did. In a uniform reciprocal situation, if one hundred and fifty dollars comes in from out of state the entire amount belongs to the mother and the children unless they are on welfare. If they are on welfare there is a subrogation. If they have asked SECU to collect their support for them the total amount they can deduct is six dollars and twenty-five cents a month.

"The problem with Senator Dore's amendment is that it allows them up to ten percent. They are not entitled to one percent. They are not entitled to any portion of the amount recovered. If we adopt Senator Dore's amendment then we are saying that the state, whether it be the prosecutor or the Attorney General, can deduct ten percent for carrying charges. As it stands right now, the law is zero percent."

Senator Francis: "Thank you, Senator Woody."
Further debate ensued.

POINT OF INQUIRY

Senator Durkan: "Would Senator Woody yield? Senator, you seem to be the resource man on this. Is there a fiscal impact as far as state government is concerned when we are broadening the duties of the Attorney General in this manner?"

Senator Woody: "There could be, yes, in this regard, if you expand it to the point of allowing the Attorney General, I should not say in a contract because although the language here says an agreement, which we could interpret as a contract, it really is not a contract. What happens is the Attorney General takes over where the prosecutor leaves off. The prosecutor says, 'I am not going to handle these things any more.' The Attorney General takes over. When I talked with Richard Mattsen I asked him this pointed question, 'Look, if you boys do that work in King County are you going to be back here asking for some more people?' He said that he was going to ship one man on existing staff up there if this occurred and maybe in a year or next biennium ask for two positions for clerks. That was his answer to me."

MOTION

Senator Durkan moved that Senate Bill No. 2211 and the pending amendment by Senator Dore, as amended, be referred to the Committee on Ways and Means.

Debate ensued.

There being no objection, the motion by Senator Durkan was withdrawn.

MOTIONS

Senator Durkan moved that Senate Bill No. 2211 and the pending amendment by Senator Dore, as amended, be made a special order of business at 9:10 p.m. tonight.

On motion of Senator Dore, the motion by Senator Durkan was amended to place Senate Bill No. 2211 as the first bill on the second reading calendar for Wednesday, January 30, 1974.

SECOND READING

SENATE BILL NO. 3002, by Senators Walgren, Talley, Day, Metcalf and Jones:
Permitting the state to make purchases from sheltered workshops.

REPORT OF STANDING COMMITTEE

January 21, 1974.

SENATE BILL NO. 3002, permitting the state to make purchases from sheltered workshops (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 2, line 15, after "homes" insert "and day training centers".

On page 1, section 2, line 16, after ".800" strike "(2)".

On page 1, section 3, line 23, after "shall" strike all the material down to the period on line 26 and insert "use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services".

On page 2, section 3, line 1, after "to" strike "waive the results of the competitive bidding and".

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Francis, Jones, Murray, Ridder, Twigg, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, Engrossed Senate Bill No. 3002 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Will Senator Day yield? Senator, I am not as knowledgeable as you are on these sheltered workshops, but I have visited some of them and have seen the work they do and I heartily approve of what is being done by these people and the way they are doing it. I think some of them are doing remarkably good work. My only question is directed in this way, I would hope that we are not encouraging any mass production in these sheltered workshops."

Senator Day: "No, Senator Canfield, these people are handicapped to the point where it is a very slow laborious process for them to do very little and we are not cutting into any great production. . . ."

Senator Canfield: "That is what I am speaking to, that if somebody gets the idea to bring in some automated machinery with a few non-handicapped people just kind of being a superintendent, why then we would defeat the purpose of the bill, wouldn't we?"

Senator Day: "Yes. However, I just do not see how that could happen because this very clearly delineates that it is work done in sheltered workshops and the definition of a sheltered workshop, I believe, protects that."

Senator Canfield: "I will take your assurance on that, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3002, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Excused: Senators Henry, Woodall—2.

ENGROSSED SENATE BILL NO. 3002, having received the constitutional 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 Mardesich, Senate Bill No. 2540 was ordered to hold its place on the second reading calendar for Wednesday, January 30, 1974.

SECOND READING

ENGROSSED SENATE BILL NO. 2248, by Senators Woody, Atwood and Bottiger:

Establishing certification procedures for court reporters.

The bill was read the second time by sections.

On motion of Senator Mardesich, Engrossed Senate Bill No. 2248 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2248, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—45.

Voting nay: Senator Rasmussen—1.

Excused: Senators Henry, Woodall—2.

ENGROSSED SENATE BILL NO. 2248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3168, by Senators Washington and Murray:

Allowing hearing examiners to assist in certain functions of the pollution control hearings board.

REPORT OF STANDING COMMITTEE

January 24, 1974.

SENATE BILL NO. 3168, allowing hearing examiners to assist in certain functions of the pollution control hearings board (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23, section 1, after "amended" and before the period insert "*PROVIDED, That the board shall formally approve each final decision of the board's hearing examiners*".

On page 2, following section 3, add two new sections as follows:

"Sec. 4. Section 34, chapter 238, Laws of 1967 as last amended by section 57, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.211 are each amended to read as follows:

Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance, resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the [hearings] board [as provided for in chapter 43.21B RCW,] for a hearing [pursuant to the provisions of chapter 34.04. RCW as now or hereafter amended], or in addition to or in place of an order or hearing, the [hearings] board [created therein] may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435.

NEW SECTION. Sec. 5. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW a new section to read as follows:

Activated air pollution control authorities, established under RCW 70.94, may file certified copies of their regulations and amendments thereto with the pollution control hearings board of the state of Washington, and the hearings board shall take judicial note of the copies so filed and the said regulations and amendments shall be received and admitted, by reference, in all hearings before the board, as prima facie evidence that such regulations and amendments on file are in full force and effect."

Renumber the remaining sections accordingly.

In line 5 of the title, after "RCW 43.21B.160;" and before "and" insert "amending section 34, chapter 238, Laws of 1967 as last amended by section 57, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.211; adding a new section to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW;"

Signed by: Senators Washington, Chairman; Donohue, Murray, Stortini, Whetzel.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendment on page 1, line 23, section 1, was not adopted.

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

On page 1, section 1, line 23, after "amended" and before the period insert "*PROVIDED, That the findings of the hearing examiner shall not become final until they have been formally approved by the board*".

On motion of Senator Washington, the committee amendment to page 2 adding two new sections was adopted.

On motion of Senator Washington, the committee amendment to the title was adopted.

On motion of Senator Washington, Engrossed Senate Bill No. 3168 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3168, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—45.

Absent or not voting: Senator Metcalf—1.

Excused: Senators Henry, Woodall—2.

ENGROSSED SENATE BILL NO. 3168, having received the constitutional majority, was declared passed. 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 Senators Connor, Murray and Fleming:

Permitting certain transfers between designated public retirement systems.

The bill was read the second time by sections.

On motion of Senator Fleming, Senate Bill No. 3184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3184, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—43.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Lewis (Harry), Matson—2.

Excused: Senators Henry, Woodall—2.

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. 3016, by Senator Atwood:

Implementing the the laws relating to driving a motor vehicle while under the influence of alcohol.

The bill was read the second time by sections.

On motion of Senator Atwood, Senate Bill No. 3016 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: "Would Senator Atwood yield to a question? This is extending the period of deferment or the deferral of sentence and my question is, at the present time they are deferring the sentence and essentially what is the effect of a deferral? What happens when the sentence is deferred?"

Senator Atwood: "When the sentence is deferred, Senator, after the deferral period of one year, it is for one year now, that is all they can do, at the end of one year the person comes in and pleads not guilty and that is the end of it. At that time he is no longer under control of the probation officer. Period. He is free. What this bill does is put him under the control of the probation officer up to three years, depending on the case, how bad the person's problem is."

Senator Metcalf: "All right, then this is in the case of a DWI?"

Senator Atwood: "That is all. This only applies to DWI."

Senator Metcalf: "Then in the case of DWI the implied consent law is a mandatory revocation of license. Is that correct?"

Senator Atwood: "This has nothing to do with that. That implied consent bill is only for not taking the Breathalyzer. It has nothing to do with this bill at all. This is strictly a probationary period. It has nothing to do with Initiative 242."

Senator Metcalf: "Okay then, in this case when a person does take the Breathalyzer test and is shown to have been under the influence and then the judge can defer the sentence and after the deferral is over he pleads not guilty to a charge that he was obviously guilty of and then he is released?"

Senator Atwood: "That is the way all deferred sentences are, Senator. That is the whole purpose of a deferral."

Senator Metcalf: "I see."

Senator Atwood: "That is the purpose of a deferral. But this deferred sentence is very seldom given to a second or a third offender. It would be very rare that this would be used, although there might be some cases I could think of, second offender, but what this aimed at is the real drinking driver and there are some of them that they have had two, three, four times. You go down there and look at some of the court records on this. But this keeps them under the control of probation officer up to three years, depending on the judge's decision."

Debate ensued.

POINT OF INQUIRY

Senator Greive: "Would Senator Atwood yield to a question? Senator, is this limited only to DWI's or being drunk in public or some of the other drink associated offenses? Would they also be governed?"

Senator Atwood: "No, Senator Greive. The bill was carefully drafted and the bill drafter assured me that it only applied to DWI. I might say I thought I had to have a constitutional amendment and then I got an AG's opinion that you did not have to and this is the result of that. This only applies to driving while under the influence; if you will look at the bill carefully you will see that it is."

POINT OF INQUIRY

Senator Canfield: "Senator Atwood, would you please yield to a question? I want to pursue what Senator Metcalf was saying, it is very brief. Does this make it tougher or easier on these offenders?"

Senator Atwood: "I do not know whether it makes it tougher, but it puts them under the gun for up to three years. It gives the probation officer a handle on the acute alcoholic and there are quite a few of them around, Senator. I think Senator Greive and I see quite a

few of them. This last three months I have had some real bad ones. A couple of men are doing sixty days up there that are real bad ones, and this gives them a handle because they need help and they need supervision for longer than a year's period."

Senator Canfield: "I just want to be sure, Senator, that we are not doing something to encourage more and more of these DWI's to be running loose on the highways."

Senator Atwood: "No. I might say this is the only place the district court has jurisdiction to put a man on probation or suspended sentence for more than a one year period so it is much tougher than even the misdemeanor."

Senator Canfield: "I know we are making driving while intoxicated maybe not too much of a crime any more and drunkenness is not a crime any more. I do not want to give them a medal."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, I think, Senator Canfield, if we could explain it this way; when you are found guilty, either by a plea or a jury trial, of driving under the influence of alcohol, the judge may sentence you to a year in jail and then suspend or defer that for a period of time. If during that period of time you commit an offense that is in violation of your deferral or suspended rules, then you go to jail for the year and that is a heck of a hammer to have hanging over you so you are a good boy. Presently by law they can only do it for one year. This is extending it for three years. Any time during that three years you violate the rules, then to jail you go. And that is what we are asking to do — is to give more muscle to the parole officer for a longer period of time to keep this person in line."

POINT OF INQUIRY

Senator Odegaard: "Would Senator Atwood yield? Senator Atwood, what do the parole officers do to help keep these people on the wagon and off the highways?"

Senator Atwood: "Most of these people, Senator Odegaard, are in the alcoholism referral program. Most of them, the bad offenders, have been through Sundown Ranch or through Shadles and what not, but they try to keep them in the program continuously for more than a year. After a year is up a lot of them just drop out. And then two or three months later they are back in the clutches. As Senator Bottiger points out, this really gives the probation officer a real hammer, especially if the judge says, 'You are on suspended sentence for three years and if you foul up during that three years, then you are going to go to jail and you are still under the gun.'"

Senator Odegaard: "Do they use the Antabuse program at all?"

Senator Atwood: "Some of the judges do. A lot of the judges insist, we have one judge that does use that as part of the treatment. Some people cannot take Antabuse, but I have heard him ask the person to look into it and require the probation officer report to the court on it."

POINT OF INQUIRY

Senator Metcalf: "Just a very brief question to either Senator Atwood or Senator Bottiger. Then it is the intent of this legislation to be tougher on the person if he violates the deferment and if he gets nailed once and then is a deferred sentence and then gets in again within the time limit, the intent of this is to be tougher and really sit on him and clamp down on him."

Senator Atwood: "This gives them a real hammer for more than a year. If you have a deferred sentence for two years that is just doubling the time now that the judge can defer it. If he fouls up and gets caught driving while drinking again in that two years he is really going to get a stiff jolt. It is a whale of an extension of the power in this particular area."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3016, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—45.

Voting nay: Senator Grant—1.

Excused: Senators Henry, Woodall—2.

SENATE BILL NO. 3016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3050, by Senator Woody:

Extending the time limit for local governments to develop a master plan for regulation under the shoreline management act.

The bill was read the second time by sections.

On motion of Senator Woody, Senate Bill No. 3050 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3050, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Excused: Senators Henry, Woodall—2.

SENATE BILL NO. 3050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2669, by Senators Van Hollebeke, Marsh, Gardner, Whetzel, Greive and Knoblauch:

Relating to unemployment compensation and requiring employing units to report refusal of offers of reemployment.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the following amendment was adopted:

On page 1, line 11, of the engrossed bill, being line 13 of the printed bill, after "purpose." strike "Failure" and insert "Willful failure".

On motion of Senator Van Hollebeke, Reengrossed Senate Bill No. 2669 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: "Will Senator Connor yield to a question? Senator Connor, we have a slight conflict, difference of opinion back here. Could you enlighten us on the testimony before your committee on this bill?"

Senator Connor: "Senator Rasmussen, I support Senator Van Hollebeke. I usually

support Senator Grant, but I do not follow him all the time. I believe it is a good bill and deserves passage."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2669, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel—43.

Voting nay: Senators Fleming, Grant, Woody—3.

Excused: Senators Henry, Woodall—2.

REENGROSSED SENATE BILL NO. 2669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2408, by Senators Walgren, Twigg and Sandison:

Authorizing remedies and penalties for violation of municipal competitive bidding requirements.

REPORT OF STANDING COMMITTEE

January 16, 1974.

ENGROSSED SENATE BILL NO. 2408, authorizing remedies and penalties for violation of municipal competitive bidding requirements (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5, section 1, after "chapter" and before "RCW" strike "39.50" and insert "39.30".

On page 1, add a new section following section 1 as follows:

"Sec. 2. Section 35.23.352, chapter 7, Laws of 1965 as amended by section 1, chapter 114, Laws of 1965 and RCW 35.23.352 are each amended to read as follows:

Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. Such notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in

the same manner as the original call, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor and in such case all such bid proposal deposits shall be returned to the bidder; but if the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. If no bid is received on the first call the city council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services *other than professional services*, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder."

In line 2 of the title, after "remedies;" and before "adding" insert "amending section 35.23.352, chapter 7, Laws of 1965 as amended by section 1, chapter 114, Laws of 1965 and RCW 35.23.352;"

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, Reengrossed Senate Bill No. 2408 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Atwood: "Would Senator Rasmussen yield? On that committee amendment exempting the second, third, and fourth class cities from the necessity of calling for bids on professional services, I could not find any definition in that bill of professional services and I wanted to get in the record and I wonder if you would tell us exactly what that term 'professional services' includes or excludes."

Senator Rasmussen: "The professional services, as it was explained in the committee, would exclude from competitive bidding those practices, architects, engineers and attorneys. And it was a particular concern when this bill was over in the House, that section bothered the second, third and fourth class cities, and the other cities have that right now."

MOTIONS

On motion of Senator Fleming, Reengrossed Senate Bill No. 2408 was ordered placed on the third reading calendar for Wednesday, January 30, 1974.

On motion of Senator Mardesich, Senate Bill No. 2980 and Senate Bill No. 3003 were ordered to hold their places on the second reading calendar for Wednesday, January 30, 1974.

SECOND READING

SENATE BILL NO. 3106, by Senators Walgren, Wanamaker, Sellar, Lewis (R. H.

"Bob"), Knoblauch, Washington, Guess, Peterson (Lowell), Bottiger, Jolly, Henry and Keefe:

Establishing a maximum 55 mile per hour speed limit on public highways.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 3106 was substituted for Senate Bill No. 3106 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, Substitute Senate Bill No. 3106 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3106, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Excused: Senators Henry, Woodall—2.

SUBSTITUTE SENATE BILL NO. 3106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3051, by Senators Rasmussen, Day and Guess (by Lieutenant Governor request):

Requiring that the state capitol committee approve state agency contracts for professional consulting services.

REPORT OF STANDING COMMITTEE

January 25, 1974.

SENATE BILL NO. 3051, requiring that the state capitol committee approve state agency contracts for professional consulting services (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

Following the enacting clause strike sections 1, 2, 3, 4, 5, and 6 and insert the following:

"*NEW SECTION.* Section 1. There is added to chapter 43.34 RCW a new section to read as follows:

On and after the effective date of this act every proposed contract for professional consulting services which has a value of five thousand dollars or more and which relates to capitol buildings or grounds must have the prior approval of the state capitol committee. Capitol buildings or grounds as used in this section shall mean facilities, land or buildings to be occupied by any state elected official or member of the legislature and shall include any facilities authorized by chapter 217, Laws of 1973 1st extraordinary session and RCW 43.83.110 through 43.83.126."

Renumber the remaining section consecutively.

On line 3 of the title, after "adding" and before "to" strike "new sections" and insert "a new section".

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Scott, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3051 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3051, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Excused: Senators Henry, Woodall—2.

ENGROSSED SENATE BILL NO. 3051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2572, by Senators Whetzel, Ridder and Talley:

Clarifying the authority of sewer districts.

The bill was read the second time by sections.

On motion of Senator Fleming, Engrossed Senate Bill No. 2572 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: "Would Senator Fleming yield? Senator Fleming, on page 3, lines 26, 27 and 28, it says, 'such rates and charges as may be combined for the furnishing of more than one type of sewer service but shall not be limited to storm or water, sewer and sanitary.' Could you describe to me what type of sewer services they are after you have gotten through with surface water and sanitary, what other types of sewage is there?"

Senator Fleming: "I think that Senator Talley might be able to speak more to that or Senator Whetzel. They are the sponsors of this measure and they are more experts in that area."

Senator Talley: "I think it would be water from canneries and materials such as that, Senator Guess."

POINT OF INQUIRY

Senator Guess: "Fine. Now, Senator, they are going to establish a rate on this deal. Now what I am wondering, in an area where you have the city streets, how are they going to determine what portion of the charge goes against that rainfall and which goes against the sewage that comes into the line?"

Senator Talley: "I think what you are trying to do with this bill is to clarify it so they can make a charge for it. They have never been sure that you could ever charge for taking care of the surface water before. I think it is more of a clarifying bill than anything else, Senator Guess."

Senator Guess: "What I am afraid of here, Senator Talley, is that the householder who is paying his sanitary charge is going to be picking up a larger charge than he should be taking, from the standpoint that the streets are everybody's business but not just the householders'."

Senator Talley: "You get into a matter of surface water and you get somebody that

lives at the top of the hill and he does not have much surface water, it runs down on the person at the bottom. So they can pro rate this charge around so everybody will be charged equally. I think that is the intent. We went over this bill many times and I do not think there are any bugs in it that we know of."

Senator Guess: "I just hope that the people do not get hurt."

Senator Talley: "It is not that intent. It should clarify it so they will not get hurt, so they will know exactly what they are paying for."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Talley yield to a further question? Senator Talley, I gather from the question that Senator Guess was asking that you contemplate storm water being handled in sanitary sewers."

Senator Talley: "In some areas, Senator Rasmussen, they are going to have to be."

Senator Rasmussen: "I think that that is prohibited by the state, that there has to be storm drainage rather than combine it with the sanitary sewers because it just knocks the effectiveness of the sewage treatment plant and is destroyed by the storm water. So they are requiring that there be a separation between sanitary sewers and storm drains, and I think that if this bill allows them to run storm drain water into the sanitary sewers that we will be doing a disservice to the community."

Senator Talley: "Senator Rasmussen, I think you are right but until such time as these small towns and areas like that can afford to put in a system of storm drains we have to do the best we can with it."

Senator Rasmussen: "Senator Talley, I think that you will find that they will not be able to get their matching funds either from the state or the federal government for sewage disposal purposes."

Senator Talley: "Well, you are not in favor of matching money anyway, so why worry about it."

Senator Rasmussen: "I beg your pardon, Senator, I always have supported matching money for worthwhile purposes, and I will match you on that."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, in regards to Senator Guess's question, in section 3 it indicates that that underlining in your caucus digest is just to try to make it possible to combine the rate revenues for more than one sewer service and not more than one type of water. They do offer more than one service. This is the clarifying language in that area."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2572, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—42.

Voting nay: Senators Durkan, Lewis (Harry), Rasmussen, Scott—4.

Excused: Senators Henry, Woodall—2.

ENGROSSED SENATE BILL NO. 2572, having received the 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 Mardesich served notice that he would, on

the next working day under the proper order of business, move for reconsideration of the vote by which Engrossed Senate Bill No. 2572 passed the Senate.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2689 was ordered to hold its place on the second reading calendar for Wednesday, January 30, 1974.

SECOND READING

ENGROSSED SENATE BILL NO. 2551, by Senators Wanamaker and Walgren:
Prescribing purposes for which motor vehicle funds may be expended.

The bill was read the second time by sections.

On motion of Senator Wanamaker, Engrossed Senate Bill No. 2551 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2551, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—43.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Connor, Durkan—2.

Excused: Senators Henry, Woodall—2.

ENGROSSED SENATE BILL NO. 2551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fleming, the Senate commenced consideration of Reengrossed Senate Bill No. 2408 on third reading.

THIRD READING

REENGROSSED SENATE BILL NO. 2408, by Senators Walgren, Twigg and Sandison:
Authorizing remedies and penalties for violation of municipal competitive bidding requirements.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 2408.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2408, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Excused: Senators Henry, Woodall—2.

REENGROSSED SENATE BILL NO. 2408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

January 29, 1974.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2186, providing for the regulation of the practice of naturopathy (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2186 be substituted therefor and that the second substitute bill do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Jones, Murray, Ridder.

Passed to Committee on Rules for second reading.

January 24, 1974.

SENATE BILL NO. 2203, placing classified employees of school districts under unemployment compensation coverage (reported by Committee on Labor):

MAJORITY recommendation: Do pass, and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

There being no objection, Senate Bill No. 2203 was referred to the Committee on Ways and Means.

January 29, 1974.

SENATE BILL NO. 3014, providing for public employees' collective bargaining (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended and that the bill be referred to Committee on Ways and Means.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

There being no objection, Senate Bill No. 3014 was referred to the Committee on Ways and Means.

January 26, 1974.

SENATE BILL NO. 3027, defining "uniformed personnel" for purposes of public employees' collective bargaining (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Ridder.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3053, removing "alcoholics" from definition of institution or establishment (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Jones, Murray, Ridder.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3064, creating data processing revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Dore, Fleming, Lewis (Harry), Marsh, Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3071, prohibiting box offices to withhold inexpensive seats from sale (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Greive, Chairman; Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3085, reducing car insurance rates ten percent during the energy crisis (reported by Committee on Financial Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 3085 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Dore, Chairman; Keefe, Mardesich, Walgren, Woody.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3090, enacting the prosecuting attorneys' professionalism act of 1974 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended and refer to the Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Greive, Marsh, Twigg, Van Hollebeke.

There being no objection, Senate Bill No. 3090 was referred to the Committee on Ways and Means.

January 29, 1974.

SENATE BILL NO. 3177, concerning child abuse and authorizing sharing of knowledge with authorized persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Jones, Murray.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3189, exempting certain leasehold estates from property taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Lewis (Harry), Marsh, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Scott.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3225, changing the minimum requirement for motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Keefe, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3307, permitting the department of labor and industries to insure employers against liability arising under the Longshoreman's and Harbor Workers' Act (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

There being no objection, Senate Bill No. 3307 was referred to the Committee on Ways and Means.

January 29, 1974.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 107, requesting congress to include a proposed business loop for Tacoma in the National System of Interstate (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Keefe, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1974.

ENGROSSED HOUSE BILL NO. 1208, providing for electrical contractor qualifying certificates (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Greive, Chairman; Grant, Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

MOTION

At 9:35 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Wednesday, January 30, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, January 30, 1974.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Richard Luchini and Terry Chenaour, presented the Colors. Reverend James T. Albertson, pastor of First United Methodist Church of Olympia, offered the following prayer:

"ALMIGHTY GOD OUR HEAVENLY FATHER, WE THANK THEE FOR THE LIGHT OF THIS NEW DAY. AS YOU GIVE STRENGTH FOR OUR BODIES THROUGH THE REST OF THE NIGHT, SO WE ASK THAT WE MIGHT RECEIVE A RENEWED SENSE OF DIRECTION TO DO THAT WHICH IS RIGHT TODAY. WE THANK THEE FOR THE BEAUTIES OF OUR STATE. WE ARE GLAD FOR ITS MOUNTAINS AND PLAINS, FOR ITS RIVERS AND LAKES, FOR ITS FERTILE FIELDS AND ROCKY SLOPES. ABOVE ALL ELSE, OUR HEAVENLY FATHER, WE THANK THEE FOR THE PEOPLE WHOM WE ARE PRIVILEGED TO CALL FELLOW CITIZENS. MAY WE LABOR TOGETHER FOR THE COMMON GOOD.

"WE ASK FOR SPECIAL GUIDANCE UPON THESE ELECTED OFFICIALS WHO HAVE BEEN CHOSEN TO GOVERN US. MAY THEY EVER SEEK JUSTICE TEMPERED BY MERCY. MAY THEY SEEK TRUTH WITHOUT WHICH NO ONE CAN BE FREE. MAY THEY ACT FOR THE COMMON GOOD, AS AGAINST THE PRESSURES OF SELFISH INTERESTS. SO MAY THESE, WHO HAVE BEEN SET ASIDE FOR SPECIAL RESPONSIBILITIES, HAVE AN EXTRA PORTION OF THAT INNER STRENGTH AND PURPOSE WHICH COMES FROM THEE, OUR HEAVENLY FATHER.

"ALONG WITH THE GRATITUDE WHICH WE EXPRESS UNTO THEE, MAY WE EACH ASSUME THE CONTINUING TRUSTS WHICH ARE GIVEN UNTO US. MAY WE EACH GIVE OUR LIVES TOWARD THE MAKING OF THAT BETTER WORLD WHICH IS TO BE.

"SO WE COME UNTO THEE NOT ONLY TO GIVE THANKS FOR MERCIES AND JOYS, BUT FOR THE TASKS WHICH MUST BE DONE TODAY. HELP EACH OF US, AND ESPECIALLY THESE GATHERED HERE, THAT THE DUTIES OF TODAY WILL BE FULFILLED, AND WHEN THEY ARE COMPLETED MAY IT EARN FOR THEM THINE APPROVAL.

"WE ASK THAT WE MIGHT SERVE THEE IN OUR CHOSEN FIELDS OF ENDEAVOR. MAY WE ALL HAVE STRENGTH, COURAGE, WISDOM, TO DO OUR PART IN MOVING THIS WORLD CLOSER TO THINE ETERNAL KINGDOM UPON THIS EARTH. ALL THIS WE ASK IN THE NAME OF HIM WHOM WE WORSHIP. AMEN."

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate of Captain Ernest Tissot and Commander Barnhardt from the USS Enterprise and appointed Senators Walgren, Wanamaker, Knoblauch and Metcalf to escort the honored guests to the rostrum.

The President turned the gavel over to Senator Walgren.

There being no objection, business was suspended to permit Captain Tissot to address the Senate.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

REPORTS OF STANDING COMMITTEES

January 29, 1974.

SENATE BILL NO. 2199, reporting by the courts of any convictions for violations of laws regulating the operation of motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2199 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Peterson (Lowell), Sellar, Washington.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 2530, making certain changes in the laws relating to personalized license plates (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2530 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Peterson (Lowell), Sellar, Washington.

Passed to Committee on Rules for second reading.

January 29, 1974.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2662, providing for the regulation and safe operation of recreational conveyances (reported by Committee on Parks and Recreation):

Recommendation: That Second Substitute Senate Bill No. 2662 be substituted therefor and that the second substitute bill do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Canfield, Jones, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE BILL NO. 2994, requiring full disclosure from those who solicit funds for public charitable purposes (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, Stortini, Washington.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3048, permitting certain signs along the Washington primary and scenic highways system (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3048 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3154, requiring mandatory use of safety belts in motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Guess, Jolly, Knoblauch, Sellar, Washington.

Passed to Committee on Rules for second reading.

January 28, 1974.

SENATE CONCURRENT RESOLUTION NO. 149, relating to governmental powers (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 149 be substituted therefor and that the substitute resolution do pass.

Signed by: Senators Grant, Chairman; Canfield, Stortini, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

PARLIAMENTARY INQUIRY

Senator Peterson (Ted): "We moved Senate Bill No. 2940 out of Rules Committee off the green sheet into Ways and Means. Now I just want to be assured and make sure that the bill is alive and that the process will move it back into Rules where we can get it out on the floor of the Senate."

REPLY BY THE PRESIDENT

The President: "Senator Peterson, the President would have to study the measure in great detail to be able to answer your question at this time. I shall take your inquiry under advisement and let you know just as soon as possible."

MESSAGE FROM THE HOUSE

January 29, 1974.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 135,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473,

ENGROSSED HOUSE BILL NO. 549,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 637,

SUBSTITUTE HOUSE BILL NO. 748,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 757,

REENGROSSED HOUSE BILL NO. 1026,

HOUSE BILL NO. 1084,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093,

ENGROSSED HOUSE BILL NO. 1171,

HOUSE BILL NO. 1183,

HOUSE BILL NO. 1258,

HOUSE BILL NO. 1269,

HOUSE BILL NO. 1272,

ENGROSSED HOUSE BILL NO. 1273,

ENGROSSED HOUSE BILL NO. 1281,

ENGROSSED HOUSE BILL NO. 1297,

ENGROSSED HOUSE BILL NO. 1303, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 135, by Committee on Natural Resources (originally sponsored by Representatives Paris, Kilbury, Zimmerman, Douthwaite and Charnley) (by Legislative Council request):

Conserving geothermal resources.

Referred to Committee on Natural Resources.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, by Committee on Commerce (originally sponsored by Representatives Jastad, Bagnariol, Wojahn, McCormick, Savage, Kalich, Thompson, Anderson, Ceccarelli and Gaines):

Authorizing card rooms, pinball machines, punch cards, and pull tabs.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 549, by Representatives Kuehnle, Beck, Zimmerman, Pardini, Bagnariol, Randall, Paris, Hendricks, Garrett, Patterson, Barden, Luders, Knowles, Eng and Matthews:

Regulating sale and transfer of devices adapted for the use of drugs by injection.

Referred to Committee on Social and Health Services.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 637, by Committee on Natural Resources (originally sponsored by Representatives Charette, Thompson, Bausch, Conner, Jastad, Van Dyk, Anderson, Savage, Benitz, Schumaker, Zimmerman, Newhouse, Flanagan, Clemente, Goltz, Paris, Kalich, Haussler, Swayze, North (Lois) and Berentson):

Enacting the forest practices act of 1974.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 748, by Judiciary Committee (originally sponsored by Representatives Smith, Kelley and Laughlin):

Making certain changes in the laws relating to probate.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 757, by Committee on Education (originally sponsored by Representatives Erickson, Johnson, Valle, McCormick, Wojahn, Maxie, North (Lois) and Hayner):

Supplementing law authorizing school patrols.

Referred to Committee on Education.

REENGROSSED HOUSE BILL NO. 1026, by Representatives Van Dyk, North (Lois), Goltz, Kilbury, Douthwaite, Fortson, Charnley, Rabel, Lysen, Sommers and Kelley:

Providing for a state-wide system of unit pricing in grocery stores.

Referred to Committee on Agriculture.

HOUSE BILL NO. 1084, by Representative Moon:

Setting the maximum rate of interest permitted on time deposits of public funds.

Referred to Committee on Financial Institutions.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093, by Committee on Commerce (originally sponsored by Representatives Adams, Parker, Wojahn and Curtis):

Providing fees for professional licenses.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1171, by Committee on Education (endorsed by Representatives Bauer, Ellis, Brown, Ehlers, Hoggins, Johnson, Clemente, Fortson, Bender, Eng, Smythe, Tilly, Warnke, Chatalas, Gaines, Maxie, Laughlin and Van Dyk):

Setting out policy for the administration of urban, rural, racial and disadvantaged education programs.

Referred to Committee on Education.

HOUSE BILL NO. 1183, by Representatives Parker, Polk and Adams:

Making certain changes in the laws relating to emergency services.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1258, by Representatives North (Lois), Knowles, Polk and Smith:

Requiring interest to be paid by the state and its political subdivisions on judgments arising out of their tortious conduct.

Referred to Judiciary Committee.

HOUSE BILL NO. 1269, by Representatives Conner and Savage:

Adding additional judge for counties of Clallam and Jefferson jointly.

Referred to Judiciary Committee.

HOUSE BILL NO. 1272, by Representatives Valle, Pardini, Ceccarelli, Polk, Kelley, Van Dyk and Matthews:

Providing disability insurance for services of oral surgeons licensed under the dentistry act.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 1273, by Representatives Curtis, Haussler, Knowles, Gaines and Wilson:

Providing for filling of vacancies in fire commissioner positions.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1281, by Representatives Luders, Ceccarelli, Knowles, Warnke, Hansen and Bauer:

Providing for minimum standard conditions and terminology for health care services contracts.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 1297, by Representatives Martinis, Hansey, Thompson, Kalich and Luders:

Authorizing certain inspections by the department of game.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 1303, by Representatives Gaspard, Pardini and Ceccarelli:

Providing for changes in the state securities law.

Referred to Committee on Financial Institutions.

SENATE CONCURRENT RESOLUTION NO. 150, by Senators Mardesich, Bailey, Atwood and Lewis (Harry):

Providing for changes in the Joint Rules of the Senate and House of Representatives.

MOTIONS

On motion of Senator Mardesich, Senate Concurrent Resolution No. 150 was advanced to second reading and read the second time in full.

Senator Greive moved adoption of the following amendment:

Beginning on line 9, add the following:

Amend the Joint Rules by adding the following new rules:

NEW RULE. RULE 36. Every legislator who is a lawyer, insurance broker, real estate appraiser, accountant, or other professional, and who has a client who is a natural person or which is a corporation, partnership, joint venture, union association, or other entity regulated by the state or doing business with the state or any political subdivision thereof, shall file with the public disclosure commission a schedule of fees charged such client, the total amount of such fees if more than five hundred dollars, and state the nature of the work performed pursuant to such schedule during the twenty-four months immediately preceding the first day of a legislative session.

NEW RULE. RULE 37. Every legislator shall disclose the provisions of any contract between the state, or any of its political subdivisions, and any partnership, trust, or joint venture, wherever organized, in which he has a financial interest or any corporation, wherever organized, in which he holds ten percent of the outstanding shares of stock.

NEW RULE. RULE 38. Every legislator shall disclose the provisions of any contract between the state, its agencies or any of its political subdivisions, and any employer, wherever located, from which he received an annual salary of eight thousand dollars or more.

NEW RULE. RULE 39. No legislator shall accept lodging or travel provided by a lobbyist, or allow a lobbyist to pay bills for travel and lodging which, over a twenty-four month period, total more than one hundred dollars in value."

MOTION

On motion of Senator Durkan, Senator Durkan was added as an additional sponsor to the amendment proposed by Senator Greive.

POINT OF ORDER

Senator Mardesich: "This is simply a technical question. It would seem to me that Senate Concurrent Resolution No. 150 has a form to which the amendment does not technically lend itself. It refers to no line. I am simply wondering how it should be handled. Where does it go?"

POINT OF ORDER

Senator Atwood: "Mr. President, I would like to raise a further point of order on this. I appreciate what Senator Greive is trying to do, but the Senate Concurrent Resolution No. 150 is a repeal of a joint rule. The amendment is an amendment only to Senate rules. We do not have any Senate rules if you will recall, Senator. Are you trying to put this in the joint rules? The way the amendment reads is that Rule 74, or the resolution says by the Senate that the rules of the Senate be amended as follows. It does not pertain to the joint rules at all, and I would ask for clarification on that."

MOTION

On motion of Senator Mardesich, Senate Concurrent Resolution No. 150, the pending amendment by Senator Greive and the points of order as raised by Senators Mardesich and Atwood were made a special order of business for 11:45 a.m. today.

SECOND READING

SENATE BILL NO. 2480, by Senators Henry, Peterson (Lowell) and Talley:
Relating to reforestation lands, disposition of proceeds.

MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2480 was substituted for Senate Bill No. 2480, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, Substitute Senate Bill No. 2480 was ordered to hold its place at the end of the second reading calendar for today.

On motion of Senator Walgren, Senate Joint Resolution No. 149, Senate Bill No. 3375 and Senate Bill No. 3358 were ordered placed on today's second reading calendar following Senate Bill No. 2480.

SECOND READING

SENATE BILL NO. 2540, by Senators Woody, Bottiger and Atwood:
Providing for an increase in the salaries of part time district court judges.
The bill was read the second time by sections.

On motion of Senator Atwood, Senate Bill No. 2540 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 Greive: "Would Senator Woody yield to a question? Senator, I come from Seattle and we only have full-time justices in King County, insofar as I know. We may have one on Vashon that is part time. When I go, which is occasionally, to these other courts, I find there is a very, very confusing situation and I wonder if you could explain how it is that they create part-time justices. Who does it? How this whole thing comes about, because I understand that in Snohomish County you have several of them."

Senator Woody: "In Snohomish County we have one in Monroe, one in Arlington. That is it. There is just not enough business in those two areas to warrant a full-time district court, so the control is by the county commissioners. If they want to determine that it is a full-time district, then of course they have to pay the freight for a full-time district. I think in King County, in addition to Vashon, I have heard that there is one in Enumclaw but I will not guarantee it. The determination is made by the county commissioners. If they feel that there is enough business to warrant paying for and managing a full-time district court, then they have the power to do this."

Senator Greive: "Senator, does that mean then that in one of these other counties, I do not know, we may have two in King County, I have never had a case in Enumclaw, I have had a case involving Enumclaw but not one in Enumclaw, but does that mean that just arbitrarily the commissioners in any given county could decide they do not need full-time justices of the peace, or justice courts, that they can just have some part-time justice courts or is there some rule of some sort?"

Senator Woody: "I cannot answer that question, Senator Greive. That was not in the subject matter of this bill and I did not research that so I cannot answer. . . ."

Senator Greive: "I would imagine that that would be important as far as my vote because I would like to know how this is set up so I can determine whether I think that their salary ought to be raised."

POINT OF INQUIRY

Senator Woodall: "Would Senator Woody further yield? Are we mandating a minimum in this particular bill, whether the county commissioners want to pay it or not?"

Senator Woody: "There is no question about the fact that the lower limits are

mandated. It shall be not less than a certain amount, but if you will look at the mandated less amount it says not less than one thousand dollars per year. It does not take very much time on the part-time district court judge's time to warrant a minimum of one thousand dollars per year."

Senator Woodall: "May I ask you one further question? Why should we down here tell the county commissioners what they ought to pay up there? This is like passing county ordinances, isn't it?"

Senator Woody: "To answer your question, this is a policy decision that this legislature has been faced with for a long time, that is, how much are we going to control, either the county commissioners' determination of salaries, which we have given up some of that in years past, and how much of it should we retain? This bill does not address itself to that problem. The only way you could address yourself to that problem is an entirely new bill saying that the legislature shall have no control whatever and the county commissioners shall have total control over the setting of judicial salaries, all judicial salaries. And that is a policy determination that is not the subject matter of this bill."

Senator Woodall: "Senator Woody, we are not talking about all judicial salaries. We are talking about part-time people, and you are asking us to vote today that someone who works part time in Sequim, Washington, must receive a mandatory minimum, whether the county commissioners of that area think so or not. Now that is what we are talking about. Now, how can I vote that a part-time JP working in a very, very small area, and I do not know how many cases he has, you do not know how many cases he has, but we are going to say he is worth so much. Why?"

Senator Woody: "To answer your question, Senator Woodall, when we had this hearing before the Judiciary Committee the court administrator and several of the part-time district court judges and a couple of county commissioners from small counties came to us and they had the statistics, not one part-time district court judge was receiving a salary as little as the amount that we have set forth here. In every county in which there was a part-time district court judge the county commissioners had already set their salary higher than the minimums we have set here. So they have already crossed that bridge and made that decision."

Senator Woodall: "Then why the bill?"

Senator Woody: "These people are being overworked."

Senator Woodall: "Part-time people are being overworked?"

Senator Woody: "It is cheaper than full time."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President and members of the Senate, I think we are dealing here with a group of people whom they call part time, but they are working nearly full time and under the law that we set up ourselves we can only pay them a certain maximum. The minimum was there before. We raised it up a little, but each county commission can determine the justice court district anyway, so if there is not enough business there and they do not want to pay it, all they have to do is reorganize the districts. These people are the only ones in the whole state whom we have not raised up in some sort of a salary increase for a long time. I happen to have two districts in my home county and they are both working almost full time. They are expected in court every day and they hold night court, they can only make about sixty-five or seventy-five hundred dollars each and it is almost a full-time job. I take issue with Senator Woody, however, in one thing and that is, this money comes out of fines and forfeitures and does have an impact on the state's funds because you pay these court costs before you take what is left out for counties, cities, school districts and the state. We should not lift the lid completely. We should keep it under control, I feel. I think this is a good bill. It probably does not grant enough, if anything."

MOTIONS

On motion of Senator Greive, Senate Bill No. 2540 was ordered placed on the third reading calendar for consideration following the last bill on today's second reading calendar.

At 11:30 a.m., on motion of Senator Bailey, the Senate recessed until 12:15 p.m.

NOON SESSION

The President called the Senate to order at 12:15 p.m.

MOTION

At 12:16 p.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

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

REPORTS OF STANDING COMMITTEES

January 30, 1974.

SENATE BILL NO. 2940, limiting commercial salmon licenses (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: John A. Cherberg, Chairman; Senators Atwood, Bottiger, Guess, Herr, Keefe, Mardesich, Peterson (Ted).

There being no objection, Senate Bill No. 2940 was referred to the Committee on Ways and Means.

January 30, 1974.

SENATE BILL NO. 3304, authorizing off-laboratory building at Washington State University Tree Fruit Research Center and providing for the financing thereof through issuance of bonds (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass and refer to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Donohue, Durkan, Marsh, Metcalf, Scott.

There being no objection, Senate Bill No. 3304 was referred to the Committee on Ways and Means.

January 29, 1974.

SENATE BILL NO. 3351, changing law relating to state and local aid to disabled persons, including mentally or physically deficient persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Clarke, Connor, Francis, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

January 30, 1974.

SENATE BILL NO. 3355, authorizing community college refund bonds (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3355 be substituted therefor and that the substitute bill do pass, and refer to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Donohue, Durkan, Marsh, Metcalf, Scott.

There being no objection, Senate Bill No. 3355 was referred to the Committee on Ways and Means.

MOTION

At 1:20 p.m., on motion of Senator Atwood, the Senate recessed until 2:40 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:40 p.m.

MOTION

On motion of Senator Scott, Senators Peterson (Ted), Newschwander and Twigg were excused.

MOTION

Senator Durkan moved that his name be removed from the amendment by Senator Greive to Senate Concurrent Resolution No. 150.

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, when the resolution was put up by Senator Greive I examined it casually and I thought that the resolution was the one and the proposals which were proposed by the Committee on Open Government and based upon that, I wanted to join with Senator Greive and support the resolution and the amendment. However, since that time I have had an opportunity to speak with the people who represent the Committee on Open Government and they inform me that they are unalterably opposed to it. They tell me that the resolution does nothing, that it is mere puffery and it is a glossary of the present 276 Act. I have a letter from the representatives of the Committee on Open Government and copies will be made available to the members of the Senate and in effect I would like to read, if I may, they urge the Senate to consider that bill which has come out of Senator Grant's committee, Senate Bill No. 3243. They say that that bill is one which will do everything that they think is necessary for us to do in this session of the legislature and I would like to read what they say. 'We urge you to consider this bill, these amendments, and to vote affirmatively on them. Changes to Initiative 276 should be limited to these amendments, these amendments, as the integrity of the initiative must be preserved. We trust that you will assist in preserving the citizen's right to know. This right is absolutely essential in maintaining the vitality of the democratic process.' Now in discussing with the representatives of the Committee on Open Government and their lawyer, they have pointed out, and we did not have an opportunity to go into a great deal of it, but they point out that actually under the Greive proposal, new rule 74, that there would be no requirement for anyone reporting to name the person from whom he is receiving the consideration. Under new rule 75 they also point out that there is no definition in Initiative 276 as to what provisions mean. That is on line 27, the word 'provisions.' Based on this and based on the fact that the people who belong to the Committee on Open Government have done such hard work and an outstanding job on Initiative 276, I am withdrawing my name in support of this measure Senator Greive has offered."

The motion by Senator Durkan carried. The name of Senator Durkan was stricken from the amendment by Senator Greive to Senate Concurrent Resolution No. 150.

MOTION

Senator Grant moved that the amendment proposed by Senator Greive to Senate Concurrent Resolution No. 150 be referred to the Committee on Constitution and Elections.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Clarke: "In the event Senator Grant's motion should prevail to send the amendment back to the committee, would this still leave the main resolution before us for disposition or would it carry the entire thing with it?"

REPLY BY THE PRESIDENT

The President: "The President understands Senator Grant's motion was strictly to refer the amendment, the proposed amendment to the Senate Committee on Constitution and Elections."

PARLIAMENTARY INQUIRY

Senator Clarke: "Then if that carries the matter would still be before us, the main resolution? That is what I wanted to be sure of."

REPLY BY THE PRESIDENT

The President: "Senator Grant, in checking with Mrs. Greeley, the President finds that that was the content of your motion, namely to refer the amendment to your committee. Was that your intent?"

REPLY BY SENATOR GRANT

Senator Grant: "My motion, Mr. President, was to refer the amendment by Senator Greive to the committee."

REPLY BY THE PRESIDENT

The President: "That is what the President understood. The President believes this is a matter to be decided by the members of the Senate, namely, if they wish to refer the amendment to the Senate Committee on Constitution and Elections, the President believes that that is the prerogative of the members. However, inasmuch as this is an unprecedented circumstance in the President's experience, the President would believe that Senate Concurrent Resolution No. 150 would still be before the members for disposition."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Thank you, Mr. President, that is what I wanted to know."

Further debate ensued.

Senator Greive demanded a roll call and the demand was sustained by Senators Connor, Stortini, Washington, Van Hollebeke and Metcalf. There were 28 members on the floor at the time of the demand for the roll call.

PARLIAMENTARY INQUIRY

Senator Canfield: "Will the President please indicate the vote? Does the amendment take the bill or leave the bill before the body?"

REPLY BY THE PRESIDENT

The President: "The President believes that under the circumstances that the motion applies strictly to the amendment, Senator Canfield. The resolution would be before the Senate."

ROLL CALL

The Secretary called the roll and the motion by Senator Grant carried by the following vote: Yeas, 41; nays, 5; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall, Woody-41.

Voting nay: Senators Connor, Dore, Greive, Van Hollebeke, Washington—5.

Absent or not voting: Senator Henry—1.

Excused: Senator Twigg—1.

The amendment proposed by Senator Greive to Senate Concurrent Resolution No. 150 was referred to the Committee on Constitution and Elections.

On motion of Senator Mardesich, Senate Concurrent Resolution No. 150 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

SECOND READING

SENATE BILL NO. 2980, by Senators Guess and Rasmussen:

Abolishing all boards, commissions, councils, etc., created by executive order and prohibiting the further creation of the same.

REPORT ON STANDING COMMITTEE

January 21, 1974.

SENATE BILL NO. 2980, abolishing all boards, commissions, councils, etc. created by executive order and prohibiting the further creation of the same (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, section 1, after "kind" and before the period insert ", except as provided in section 2 of this 1974 act".

On page 1, line 9, section 1, beginning with "On the" strike all of the material down to the period on line 15.

On page 1, add a new section following section 1 as follows:

"NEW SECTION. Sec. 2. There is added to chapter 8, Laws of 1965 and to chapter 43.06 RCW a new section to read as follows:

The governor may notify the legislature of his intent to establish by executive order a new state agency, department, board, council, commission, task force, or organization of any kind: PROVIDED, That:

(1) If the legislature is in session, the governor's request shall be submitted in bill form and shall not become effective until enacted into law; or

(2) If the legislature is not in session, the notification shall be in bill form, without sponsorship. The legislature shall cause the proposed legislation to be referred to the appropriate standing committees of the senate and the house of representatives. Such standing committees may hold hearings and receive information on the proposal. The executive order shall not take effect unless such committees may notify the respective rules committees that they have approved the proposed bill by a two-thirds committee vote for introduction in the next session of the legislature. Such committees shall take affirmative or negative action on the proposed bill within ninety days after its referral.

On page 1, line 16, renumber the remaining section.

On page 1, line 16, section 2, after "This" and before "act" strike "1973" and insert "1974".

On page 1, line 21, section 2, after "November," and before "all" strike "1973" and insert "1974,".

On line 1 of the title after "adding" and before "to" strike "a new section" and insert "new sections".

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments to page 1, line 9 were adopted.

Senator Rasmussen moved adoption of the committee amendment to page 1, adding a new section following section 1.

Senator Guess moved adoption of the following amendment by Senators Guess and Rasmussen to the committee amendment:

Amend line 5 of the committee amendment adding a new section 2 as follows: Strike "by executive order".

POINT OF INQUIRY

Senator Atwood: "Would Senator Guess or Senator Rasmussen yield? I notice on the committee amendment that you say that if the legislature is not in session the notification shall be in bill form without sponsorship."

Senator Guess: "That is right."

Senator Atwood: "Our Senate rules provide for sponsors. You cannot override the rules of the body with an act. I wonder how do you think you can do this?"

Senator Guess: "Senator Atwood, as I understand the continuing legislation the committee would become the sponsor of the action."

Senator Atwood: "Only if the committee subscribed all their names thereto by our own rules. But what they are attempting to do here is override the rules of the body by an act passed by the legislature and I do not think you can do that."

Senator Guess: "So that there is only one way, the negative inference here is that if the committee does not choose to take action then it does not sponsor the bill, but if the committee chooses to sponsor the action then it becomes a committee bill."

Senator Atwood: "How can the governor sponsor a bill? That is what my point is, under the separation of powers. That is in effect what you are telling us he can do and the only way you can get a measure before this body is to have some member of the body sponsor it, either by way of resolution, bill or otherwise. This in effect puts the governor as sponsor of bills."

Senator Guess: "He was the sponsor of about eighty-seven last year. I do not know what difference this makes. He had eighty-seven executive requests then, didn't he?"

Senator Atwood: "Yes, but my point is that they were signed by members of either House or Senate. That is my point."

Senator Guess: "Well I imagine he would get this one signed just like he has gotten the other ones signed, Senator."

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

Senator Rasmussen moved adoption of the following amendment to the committee amendment:

Amend line 12 of the committee amendment after "form" strike ", without sponsorship".

POINT OF INQUIRY

Senator Guess: "Would Senator Atwood yield? Senator Atwood, do I get the inference from you that you would be willing to change that and if so, in what form would you make it?"

Senator Atwood: "I do not like that part that no one can sponsor, 'it shall be,' you have mandated how the governor has to act in this and I think it is totally unconstitutional. I think if you want to do what you are trying to do on this bill is to go the regular route, that any request shall be introduced in the regular manner of a bill with a member as a sponsor. The way this reads he could not even get a sponsor."

Senator Guess: "All right. If you would read subsection (1) 'if the legislature is in session the governor's request shall be submitted as an executive request in the regular manner'."

Senator Atwood: "That is okay. I am not arguing about that. I am looking at section 2. Look what you have said."

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

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

On motion of Senator Rasmussen, the remaining committee amendments were adopted.

POINT OF INQUIRY

Senator Day: "Will Senator Rasmussen yield? In the last line of the substantive

amendment you have mandated the committees to take action, affirmative or negative, on the proposed bill within ninety days after its referral. Does that mean that if it was not in proper form that they could not take time to maybe give it further consideration?"

Senator Rasmussen: "This merely provides, Senator Day, that the committee will have to take action one way or another. They can make questions in the bill as any committee can."

Senator Day: "What if they want to study it because they are not sure that they should kill the bill and they feel that public input is needed and they want to hold a public hearing and it takes some time to do those things."

Senator Rasmussen: "That would be considered affirmative action, Senator Day. Negative action would be reporting that the bill had no merit."

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, Engrossed Senate Bill No. 2980 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 Canfield: "Senator Guess, it is not clear to me that section 2 has been removed by the amendment. Maybe I am in error but I would like to have it clarified. That is my question."

Senator Guess: "It was certainly my intent that all of section 2 was stricken. I thought it was stricken. The Chair rules that the material was stricken."

REPLY BY THE PRESIDENT

The President: "The Secretary advises that the material was not stricken."

PARLIAMENTARY INQUIRY

Senator Guess: "It was not stricken?"

REPLY BY THE PRESIDENT

The President: "On further observation and investigation, it was stricken."

REMARKS BY THE PRESIDENT

The President: "That does not mean that it was, Senator Guess."

POINT OF INQUIRY

Senator Woody: "Would Senator Rasmussen yield please? Senator Rasmussen, going through the amendments that were either adopted or not adopted, I am left with one question. Boards, councils, commissions, task force or organizations of any kind that exist right now, would they be abolished?"

Senator Rasmussen: "The answer is no."

Senator Woody: "You are certain about that?"

Senator Rasmussen: "Right. The original bill provided that it would abolish those and it was felt that those that are now working, and there are some twenty-seven that have been created and there are I think nineteen of them left, that they would continue to work. This would only take control of any future ones, and certainly it is quite apparent with the number of boards and commissions that we have, and these are not those that are passed by law, these are created as the one that I just mentioned where they spent two hundred and two thousand dollars and then decided that they had not produced any good results and so they abandoned the project. This is the type of thing that we felt that the legislature should have a look at. The committee was one hundred percent in accord and will allow the

governor to proceed with any type of task force he has at the present time and will continue to do so in the future if the committee has approved, or this legislature if they are in session."

MOTION

On motion of Senator Mardesich, Senator Durkan was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2980, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 23; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Connor, Donohue, Dore, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Metcalf, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Woodall—22.

Voting nay: Senators Atwood, Bottiger, Canfield, Clarke, Day, Fleming, Francis, Grant, Greive, Jones, Lewis (Harry), Mardesich, Murray, Newschwander, Peterson (Ted), Ridder, Sellar, Talley, Walgren, Wanamaker, Washington, Whetzel, Woody—23.

Absent or not voting: Senator Matson—1.

Excused: Senators Durkan, Twigg—2.

ENGROSSED SENATE BILL NO. 2980, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2980 failed to pass the Senate.

MOTION

Senator Mardesich moved that upon final passage of bills or amendments to bills on the calendar from now until 5:00 p.m., Thursday, January 31 that debate be limited to five minutes unless by leave of the body that motion be suspended.

QUESTION BY THE PRESIDENT

The President: "Senator Mardesich, to clarify, five minutes per Senator, five minutes per bill?"

REPLY BY SENATOR MARDESICH

Senator Mardesich: "Yes, Mr. President."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I do not usually oppose Senator Mardesich but I think five minutes per bill might preclude a lot of very important bills being discussed properly. I think that it would be better to follow previous practice and limit the three minute speeches, say with no yields."

With the consent of the Senate, debate on final passage of bills or amendments to bills from now until 5:00 p.m. Thursday, January 31 will be limited to three minutes with no yields.

SECOND READING

SENATE BILL NO. 2211, by Senators Francis and Whetzel;

Allowing prosecutor of King county to contract with attorney general to initiate support proceedings.

The Senate resumed consideration of Senate Bill No. 2211. On Tuesday, January 29, 1974 an amendment to page 1, line 21 by Senator Dore was moved for adoption and an amendment to that amendment was adopted at that time, and held for further consideration as the first order of business for Wednesday, January 30, 1974.

There being no objection, the amendment by Senator Dore, as amended, was withdrawn.

Senator Dore moved adoption of the following amendment:

On page 1, section 1, line 21, after "petitions" and before the period insert "*except the powers of issuing or requesting the issuance of warrants of arrest*"

POINT OF INQUIRY

Senator Bottiger: "Would Senator Dore yield to a question? Senator Dore, you and I as civil attorneys and officers of the court are authorized to request the court to issue a bench warrant. It looks to me like you are prohibiting the Attorney General from requesting the issuance of bench warrant."

Senator Dore: "Yes, he has no such power now and I . . ."

Senator Bottiger: "Senator Dore, for contempt, for a court order, the Attorney General has all kinds of . . ."

Senator Dore: "Can I answer your question, counsel? The issue of a bench warrant for violation of the orders of the court has been traditional. But the Attorney General has never had the power to go to a court and ask for a bench warrant for someone to be physically arrested because they did not pay support to their wife. Now that right has been given to the prosecuting attorney, who has those statutory duties, but the Attorney General has never had that right and I desire to restrict that right. I do not want the Attorney General going around in King County and requesting warrants to be issued for wayward fathers who do not pay support. And under this language as I read it broadly, I do not know if it has been used in other counties, you would give him that right to do. I do not think that is wise to do that. It is a matter of opinion."

Further debate ensued.

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

Senator Dore moved adoption of the following amendment:

On page 1, section 1, line 21, after "petitions." add the following "*All attorney fees and costs assessed against support monies shall not exceed an amount equal to ten percent of the amount recovered. In class AA counties any legal expenses and/or costs expended by the attorney general, and not recovered from support payments, shall be assessed against the county where the support proceedings were initiated.*"

POINT OF INQUIRY

Senator Fleming: "Will Senator Woody yield to a question? Senator Woody, I missed the portion that you talked about the charging of six dollars twenty-five cents versus ten percent. Would you go through that again?"

Senator Woody: "That really is only collateral to this bill but the way it works, if the welfare paying out on AFDC, that is to a mother who has children, for support and let us assume that the grant, because of the number of the children in the family is three hundred and forty-five dollars per month. If the welfare department tracks down the father, they can go after him for repayment, in essence. Now if the money comes directly to the mother through the mail, she has to repay that because they have subrogation rights. Now in the event that she is not on welfare she can enter into an agreement with the welfare department, SECU Division, saying, 'Look, will you help me collect my support?' They will perform this service, a little bit like a collection agency, for six dollars and twenty-five cents a month. I advise my clients to do that because they can do a whole lot better than I can."

POINT OF INQUIRY

Senator Dore: "Will Senator Whetzel yield to a question please? I think you said you are familiar with thirty-four agreements in other counties with the Attorney General? Could you tell me what the provisions are as to the expense of the Attorney General assuming the duties of the prosecuting attorney? How much money is it contemplated will be saved King County by reason of this agreement with King County? Or do you have those figures?"

Senator Whetzel: "There are, I understand, no agreements with respect to the costs because there are no costs collected for attorneys' fees out of this. What simply happens, Senator Dore, is that in some counties prosecuting attorneys who are burdened with the primary responsibility of prosecuting criminal cases simply were neglecting to collect money for the state of Washington. I guess they regarded as their primary clients the citizens who were the victims of crimes in their counties and not the state Department of Social and Health Services. They were neglecting to collect the money so by statute we have turned over collection of the out-of-state claims to the Attorney General. That is all we are going to do here with respect to King County. There are some clerks that are doing this in the prosecuting attorney's office in King County. They will probably be doing other things. I do not think it will save King County any money. The clerks who are handling this in the Attorney General's office will add the number of cases, which I understand is about one hundred petitions, they will process those petitions, put them in the mail to California, Oregon and Idaho. There probably will not be any lawyers involved in this at all."

Senator Dore: "My question was not that, Senator. I think at least a year ago there were about six deputies in King County that did nothing but work on support payments and I am talking about people on welfare who are taken care of by the Attorney General. They do that now. Wouldn't they save then the salaries of these six men if they took over the support?"

Senator Whetzel: "No, Senator, because they are still going to be handling the support cases in King County. They cannot handle the ones in court in California, Oregon, Idaho, Montana. They put those in the mail, their secretaries handle most of these. All it is is a legal assistance and the Attorney General's office will be getting the people on welfare in, helping them fill out the petition and mailing it to the Attorney Generals in the other states. No one goes to court as a result of this bill in any court in the state of Washington."

Senator Dore: "Senator Whetzel, on line 18 you provide for inter-county proceedings. This is not just out of state. It can be . . ."

(The three-minute rule was invoked).

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

On motion of Senator Francis, Senate Bill No. 2211 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2211, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody-42.

Voting nay: Senators Dore, Greive-2.

Absent or not voting: Senators Scott, Woodall-2.

Excused: Senators Durkan, Twigg-2.

SENATE BILL NO. 2211, having received the constitutional 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 Matson, Senator Guess was excused.

SECOND READING

SENATE BILL NO. 3003, by Senator Grant:
Making general revisions to the election laws.

REPORT OF STANDING COMMITTEE

January 14, 1974.

SENATE BILL NO. 3003, making general revisions to the election laws (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 1 of the title, after "crimes;" strike "and" and after "penalties" insert "; and declaring an emergency."

On page 9, line 21, section 12, after "by" strike "RCW 39.34.080" and insert "chapter 39.34 RCW"

On page 11, add a new section following section 15 as follows:

"*NEW SECTION.* Sec. 16. This 1974 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington. The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted.

On motion of Senator Lewis (Harry), the following amendments were adopted:

On page 2, section 2, line 31, strike "major"

On page 2, section 2, line 32, strike "without" and insert "at"

Senator Rasmussen moved adoption of the following amendment:

On page 9, section 12, line 15 after "auditor" and before "establish" strike "shall" and insert "may"

POINT OF INQUIRY

Senator Bailey: "Will Senator Grant yield? Senator Grant, before I vote on Senator Rasmussen's amendment I have a question about the smaller counties, not necessarily the large county of Pierce. Even though I think that this is a very good step forward, my question I have is, 'Is the amount that is in this bill sufficient per voter to pay the county back for the cost of changing over to this list?'"

Senator Grant: "Senator Bailey, that is the reason for the fiscal note. This measure has been to Ways and Means. There is a subsidy to the smaller counties and it was felt by all the county auditors in the small counties where the subsidy would go for the original setup costs and then maintenance as well that the subsidy would be sufficient. That includes the county auditor in Grays Harbor County. He has been at almost every committee meeting we have had. But to answer your question directly, all county auditors who have examined the subsidy program that is available through this bill, with the exception of the Pierce County Auditor, have felt it is sufficient."

Senator Bailey: "One more question. After they transfer over to this system, is there sufficient funding to maintain the lists up to date? I am wondering about the amount of equipment necessary in small counties to be able to keep this information up to date."

Senator Grant: "Yes, Senator, we considered that measure. The initial setup costs for the small counties where it is not fiscally to their advantage is sufficient as far as they are concerned and there is also a maintenance subsidy to see to it that the records are kept up to date."

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

On motion of Senator Grant, the committee amendment to the title was adopted.

MOTIONS

On motion of Senator Marsh, Senator Greive was excused.

On motion of Senator Grant, Engrossed Senate Bill No. 3003 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3003 and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; excused, 4.

• Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woody—37.

Voting nay: Senators Knoblauch, Newschwander, Rasmussen, Seller, Stortini, Wana-maker, Woodall—7.

Excused: Senators Durkan, Greive, Guess, Twigg—4.

ENGROSSED SENATE BILL NO. 3003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2480, by Committee on Natural Resources (originally sponsored by Senators Henry, Peterson (Lowell) and Talley):

Relating to reforestation lands, disposition of proceeds.

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2480 was referred to the Committee on Ways and Means.

SECOND READING

SENATE JOINT RESOLUTION NO. 149, by Senators Bailey, Atwood, Lewis (Harry) and Mardesich:

Amending the Constitution to establish a citizens' commission to set salaries of legislators and state-wide elected officials.

REPORT OF STANDING COMMITTEE

January 23, 1974.

SENATE JOINT RESOLUTION NO. 149, amending the Constitution to establish a citizens' commission to set salaries of legislators and state-wide elected officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8, after "thereof" and beginning with "and" strike all of the material down to and including "commission." on page 2, line 14, and insert "as follows: Article XXVIII, section 1. [All elected-state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be increased or diminished during his term of office, except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.]

The salaries of the members of the legislature, the judges of the supreme, appellate, superior and district courts, and all state officials elected on a state-wide basis, shall not be increased or diminished except as provided by this section. Salaries shall be fixed by an independent commission directed by law to that purpose. No state official or full time state employee shall be a member of that commission. Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the

legislature or governor, but shall be subject to referendum petition by the people, filed within said ninety days. Referendum measures under this section shall be submitted to the people at the next following general election and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum measures. The salaries fixed pursuant to this section shall supersede any other provision for such salaries.

The legislature shall appropriate from the general fund sufficient moneys to insure the continuing and efficient operation of the commission.

The provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and [section] sections 1, 1(A), and 23 of Article II insofar as they are inconsistent herewith, are hereby repealed."

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington. The resolution was read the second time in full.

On motion of Senator Grant, the committee amendment was not adopted.

Senator Grant moved adoption of the following amendment:

On page 1, line 9, after "as follows:" strike all the material down to and including "commission" on page 2, line 14, and insert: "Article XXVIII, section 1. All elected state officials except members of the legislature shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be [increased or] diminished during his term of office [except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.]

The provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section 23 of Article II insofar as they are inconsistent herewith, are hereby repealed.

NEW SECTION. Article XXVIII, section 2. Salaries for members of the legislature shall be fixed by an independent commission created by law for that purpose. No state official or full time state employee shall be a member of that commission. Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the legislature or governor, but shall be subject to referendum petition by the people, filed within said ninety days. Referendum measures under this section shall be submitted to the people at the next following general election and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum measures. The salaries fixed pursuant to this section shall supersede any other provision for the salaries of members of the legislature.

The legislature shall appropriate from the general fund sufficient moneys to insure the continuing and efficient operation of the commission.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendments to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

There being no objection, the amendment by Senator Canfield to page 2, line 1, to the amendment by Senator Grant on the Secretary's desk was withdrawn.

POINT OF INQUIRY

Senator Woodall: "Would Senator Grant yield? These amendments have been floating around rather rapidly and I do not know where we are. For my own edification, you now have a bill or a proposal where the only people subject to this particular thing are legislators themselves. Is that what you are saying?"

Senator Grant: "That is correct, Senator Woodall."

Senator Woodall: "So that we take the heat on everyone else but we are subject to some commission that is going to be picked by somebody. Is that correct? Now who picks this commission?"

Senator Grant: "That is set up in the bill, Senator Woodall."

Senator Woodall: "Well tell me. Who picks them?"

Senator Grant: "The bill as it was originally drafted, Senator Woodall, provided for certain specific appointees. It provided, as I recall, for the president of the Washington State Jaycees, the president of the League of Women Voters, a newsman, a clergyman, the president of the Association of Washington Business, the president of the Washington State Labor Council, and I believe two appointees of the governor."

Senator Woodall: "You said originally. What does the bill now provide the way you have amended it, is what I am asking?"

Senator Grant: "We are on the constitutional amendment, Senator Woodall. You are asking me to describe to you the commission that is in the bill that will follow and I am trying to do that."

Senator Woodall: "These people that you have just named, they are the ones, you say, who will be the people who will decide what a fair compensation is?"

Senator Grant: "If that bill in its form is passed. Subject to referendum."

Senator Woodall: "Secondly, now in your proposed constitutional amendment you provide for an automatic referendum any time there is a salary raise?"

Senator Grant: "No, Senator Woodall. There is provided that in the event the people feel that the salary level is too high they will have the right to referendum."

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

On motion of Senator Grant, Engrossed Senate Joint Resolution No. 149 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 149, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Voting nay: Senator Talley-1.

Excused: Senator Durkan, Greive, Guess-3.

ENGROSSED SENATE JOINT RESOLUTION NO. 149, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 3358, by Senators Peterson (Lowell) and Atwood:

Authorizing the disposition of the site and improvements of the northern State Hospital.

The bill was read the second time by sections.

On motion of Senator Woody, the following amendments were adopted:

On page 1, section 2, beginning on line 18, after "to" strike the remainder of the section and insert "the department of natural resources which agency shall manage or dispose of such property in the same manner as state lands in chapter 79 RCW and in accordance with the policies of section 1 of this act. The proceeds from such management or disposal shall be the same as proceeds from the management of state lands in chapter 79 RCW."

On page 2, strike sections 3, 4 and 5.

On motion of Senator Peterson (Lowell), Engrossed Senate Bill No. 3358 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3358, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Day, Donohue, Dore, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H.

“Bob”), Mardesich, Marsh, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—40.

Absent or not voting: Senators Bottiger, Connor, Matson, Newschwander, Whetzel—5.
Excused: Senators Durkan, Greive, Guess—3.

ENGROSSED SENATE BILL NO. 3358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 2540, by Senators Woody, Bottiger and Atwood:

Providing for an increase in the salaries of part time district court judges.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2540.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2540, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Clarke, Day, Donohue, Dore, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—38.

Voting nay: Senators Canfield, Jones, Lewis (R. H. “Bob”), Metcalf, Newschwander, Sellar—6.

Absent or not voting: Senator Connor—1.

Excused: Senators Durkan, Greive, Guess—3.

SENATE BILL NO. 2540, having received the 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 Mardesich, Senate Bill No. 2689 was made a special order of business for 11:00 a.m., Thursday, January 31, 1974.

At 5:10 p. m., on motion of Senator Bailey, the Senate was declared to be at ease.

The President called the Senate to order at 5:40 p.m.

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

SECOND READING

SENATE BILL NO. 3375, by Senators Mardesich, Atwood, Lewis (Harry) and Bailey: Mandating citizens to set officials' salaries.

REPORT OF STANDING COMMITTEE

January 23, 1974.

SENATE BILL NO. 3375, mandating citizens to set officials' salaries (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 26, after “legislature” strike “and all state-wide elected officials” and insert “the judges of the supreme, appellate, superior and district courts, and all state officials elected on a state-wide basis”.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendment was not adopted.

Senator Grant moved adoption of the following amendment:

On page 1, line 19, after "(1)" and beginning with "There" strike the remainder of new section 2 and insert:

"There is hereby created a commission to be known as the Washington citizens' commission on legislative salaries, to consist of seven members selected by lot by the secretary of state from among those registered voters eligible to vote at the general election held in November, 1974, and, thereafter, from among those registered voters eligible to vote at the time of the selection. One member shall be selected from each congressional district.

(2) Members appointed pursuant to subsection (1) of this section shall hold office for four years and no member may be appointed to more than two such terms.

(3) No member of the commission may be removed from office by the governor unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

(4) No state official, full time state employee, or lobbyist subject to the registration requirements of chapter 42.17 RCW (Initiative Measure No. 276) shall be eligible for membership on the commission.

(5) Should any person decline to serve or should any member of the commission become not eligible to serve, his position shall be filled in the same manner as originally provided."

Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senator Grant:

On line 3 of the amendment after "consist of" strike the remainder of the amendment and insert:

"nine members as follows: The president of the Washington state league of women voters, the state master of the Washington state grange, the president of the state Jaycees, the president of the association of Washington business, the president of the Washington state labor council, a representative of the clergy appointed by the governor, and three representatives of the general public, at least one of which shall be from the eastern side of the Cascade range, appointed by a majority of the other members of the commission.

(2) If any of the titles or positions set forth in subsection (1) of this section are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership on the commission. No member of the commission may be removed from office by the governor unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

(3) Members appointed by the governor pursuant to subsection (1) of this section shall hold office for terms of four years, and no person may be appointed to more than two such terms.

(4) No state official, full time state employee, or lobbyist subject to the registration requirements of chapter 42.17 RCW (Initiative Measure No. 276) shall be eligible for membership on the commission.

(5) Should any member of the commission become not eligible to serve, his successor shall be the next ranking official in those organizations set forth in subsection (1) of this section, and in other positions a vacancy shall be filled by the governor in the same manner as originally provided."

Debate ensued.

The motion by Senator Lewis (Harry) failed and the amendment to the amendment by Senator Grant was not adopted on a rising vote.

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

On motion of Senator Atwood, the following amendments were adopted:

On page 2, section 3, line 27, after "salary for" strike "each respective position" and insert "the members of the legislature"

On page 3, beginning on line 22, strike "and state-wide elected officials,"

On motion of Senator Grant, Engrossed Senate Bill No. 3375 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3375, and the bill passed the Senate by the following vote: Yeas, 38; nays, 5; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—38.

Voting nay: Senators Lewis (Harry), Matson, Murray, Sandison, Talley—5.

Absent or not voting: Senators Durkan, Henry, Metcalf, Woodall—4.

Excused: Senator Guess—1.

ENGROSSED SENATE BILL NO. 3375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3049, by Senators Dore, Marsh and Jones:

Authorizing additional means of funding public employee deferred compensation plans.

MOTIONS

On motion of Senator Dore, Substitute Senate Bill No. 3049 was substituted for Senate Bill No. 3049 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, Substitute Senate Bill No. 3049 was ordered to hold its place on the second reading calendar for Thursday, January 31, 1974.

MOTION

On motion of Senator Lewis (Harry), Senator Woodall was excused.

There being no objection, the Senate commenced consideration of Senate Bill No. 2689 previously held for consideration on Thursday, January 31, 1974.

SECOND READING

SENATE BILL NO. 2689, by Senators Mardesich, Gardner and Woody:
Creating new juvenile court system.

MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2689 was substituted for Senate Bill No. 2689 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, Senator Metcalf was excused.

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

On page 4, section 3, line 7, after "RCW; or" insert a new subsection as follows:

"(d) Who has been subjected to severe emotional abuse or neglect, the adverse effect of which is provable by medical evidence or other competent professional opinion; or"

Reletter the remaining subsection consecutively.

On page 5, line 7, strike "be delinquent" and insert "have committed a juvenile offense".

On page 34, line 14, insert the following:

"NEW SECTION. Sec. 38. APPEALS. (1) Any person aggrieved by a final order of the court may appeal said order as provided by this section. All appeals shall be taken in the

same manner as in other civil cases. The order of the juvenile court shall stand pending the disposition of the appeal: PROVIDED, That the appellate court may upon application stay said order.

(2) If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing."

Renumber the remaining sections consecutively.

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

On page 34, line 15, strike "July 1, 1974" and insert "February 15, 1975".

On motion of Senator Francis, Engrossed Senate Bill No. 2689 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2689, and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Matson, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Van Hollebeke, Walgren, Wanamaker, Whetzel, Woody-33.

Voting nay: Senators Greive, Lewis (Harry), Lewis (R. H. "Bob"), Odegaard, Rasmussen, Sellar, Talley, Twigg, von Reichbauer, Washington-10.

Absent or not voting: Senators Dore, Durkan-2.

Excused: Senators Guess, Metcalf, Woodall-3.

ENGROSSED SENATE BILL NO. 2689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2675, by Senator Day:

Revising the laws regulating chiropractic.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2675 was substituted for Engrossed Senate Bill No. 2675 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the following amendments were adopted:

On page 8, section 12, beginning on line 10, strike all the material down through and including "(13)" on line 12 and insert "[(12) Practicing other healing arts, whether licensed to do so or not, while holding one's self out to the public as a chiropractor; (13) (12)]"

On page 9, following line 17, insert:

"NEW SECTION. Sec. 15. There is added to chapter 18.26 RCW a new section to read as follows:

"The filing by the board in the office of the director of motor vehicles of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension. Such certificate or order of revocation or suspension, if appealed, may be stayed by the board or by the reviewing court upon such terms as is deemed proper."

On page 9, following new section 15 added by the Day amendment, add the following new section 16:

"NEW SECTION. Sec. 16. If any provision of this 1974 amendatory act, or its application to any person or circumstance, is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

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

On line 11 of the title, after "18.26.070;" strike "and" and on line 12, after "RCW" and before the period insert "; and adding a new section to chapter 18.26 RCW"

On motion of Senator Day, Engrossed Substitute Bill No. 2675 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? On page 6 it discusses a continuing chiropractic education and symposium and it says that the symposium shall include instruction by at least two outstanding chiropractic educators. Other than yourself, is there another one in the state?"

Senator Day: "We import them, Senator."

POINT OF INQUIRY

Senator Newschwander: "Will Senator Day yield to a question? I know you went over very quickly that twenty-five to thirty-five dollars a day per diem and I know that our board asked me this time about raising theirs and I said, 'You had better lay off.' I thought the mood of this session was to not increase per diem. What I am afraid of is that you know more about what the different boards are paying than I do, but by starting this one at thirty-five you are going to come in next session with every board we have out, and we have hundreds of them around this state, wanting their per diem raised to higher than what they are getting."

Senator Day: "Senator, I am delighted you asked that question, as they say, because if you will note in subsection (2) of Substitute Senate Bill 2675 on page 5, at the top of the page, Section 9, subsection (2) that we raised from fifteen to twenty-five dollars the license renewal fee. And so that will more than take care of it."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2675, and the bill passed the Senate by the following vote: Yeas, 33; nays, 6; absent or not voting, 6; excused, 3.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Marsh, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Washington, Whetzel, Woody—33.

Voting nay: Senators Francis, Lewis (Harry), Mardesich, Newschwander, Sellar, Walgren—6.

Absent or not voting: Senators Atwood, Durkan, Lewis (R. H. "Bob"), Murray, Rasmussen, Wanamaker—6.

Excused: Senators Guess, Metcalf, Woodall—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2675, having received the constitutional 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 Mardesich, Senate Bill No. 3026 was ordered to hold its place on the second reading calendar for Thursday, January 31, 1974.

SECOND READING

SENATE BILL NO. 3203, by Senators Henry and Twigg (by Utilities and Transportation Commission request):

Requiring interstate motor carriers to operate within ICC authority registered with the Washington Utilities and Transportation Commission.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 3203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Walgren yield? Senator Walgren, would this bill have the effect of prohibiting backhauls for carriers in agricultural from California or am I in the wrong bill? Can you help me there?"

Senator Walgren: "I do not believe it would, no."

Senator Lewis (Harry): "Can you describe what the purpose of the bill is, Senator, and how it works, please, briefly?"

Senator Walgren: "I did, very briefly, Senator Lewis. As I told you the Washington Utilities and Transportation Commission requested that we present this bill to the legislature for your consideration so as to provide them with some authority that they could have to enforce the present rules and regulations of that department as it related to interstate carriers."

REMARKS BY SENATOR HENRY

Senator Henry: "Francis Pierson of the department informed me this afternoon that they have in their rules and regulations adopted within the last two days a procedure set up where backhauls can be made, and this other is where a licensed PUC carrier is licensed to carry certain products. He stops for examination and he is carrying something that he is not supposed to be carrying without a permit, then they have no teeth in the law at the present time. So this will tighten up the PUC licenses but will also permit backhauls where you carry a load of hay to Seattle and you get a permit if you have some lumber or something you want to haul back."

Senator Lewis (Harry): "Just for the record, will that be entered in the record in terms of a response to my question? Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3203, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woody—40.

Voting nay: Senators Matson, Washington—2.

Absent or not voting: Senators Connor, Durkan, Rasmussen—3.

Excused: Senators Guess, Metcalf, Woodall—3.

SENATE BILL NO. 3203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Lewis (Harry) served notice that he would, on the next working day, move for reconsideration of the vote by which Senate Bill No. 3203 passed the Senate.

MOTION

On motion of Senator Mardesich, Senate Bill No. 3116 was ordered placed at the end of the second reading calendar for Thursday, January 31, 1974.

SECOND READING

SENATE BILL NO. 3145, by Senators Dore, Woody, Clarke, Jones and Mardesich: Permitting the establishment of satellite banking facilities.

MOTIONS

On motion of Senator Dore, Substitute Senate Bill No. 3145 was substituted for Senate Bill No. 3145 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Dore, Substitute Senate Bill No. 3145 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Walgren: "Would Senator Dore yield? Any number of other banks can participate in this one satellite?"

Senator Dore: "No — within the commercial bank category. If a commercial bank has the satellite it must offer the use of that satellite to all other commercial banks with one exception. If a mutual or a savings and loan combines with a commercial they need not do it. A single commercial or savings and loan."

Senator Walgren: "And secondly with regard to the sharing of installation and operation costs, can a bank that did not participate from the very beginning of this satellite, come in at a later time and participate?"

Senator Dore: "That question has not arisen but I think it is written, as the chairman of the committee I would say the statute is available for not only those banks that are in existence now but is also available for any other commercial or mutual or savings and loan association that comes into existence subsequent to that time."

REMARKS BY SENATOR CLARKE

Senator Clarke: "In further answer to the question by Senator Walgren, that sharing is conditioned upon, that is, the participation is conditioned upon sharing also on the cost of installation as well as operation. I concur with the explanation by Senator Dore. This is probably one of the best worked over bills in the session. It started out being quite controversial among the various financial interests; it has all been worked out and I think it is an excellent bill which you can vote for."

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Would Senator Clarke yield to a question? Senator Clarke, you said the small banks, I assume that you are talking about some association or something of this nature that represents a lot of small banks, but my individual small bank I do not think was at that hearing and said that they agreed with that. I think that is what you are talking about, isn't it?"

Senator Clarke: "Senator, you are undoubtedly correct. I was speaking about the representative of an association of smaller banks."

Senator Fleming: "Thank you. I just wanted to make that clear because a lot of times we talk about someone representing a small group and they do in associations but a lot of people are left out of that."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3145, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Greive, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woody—39.

Voting nay: Senators Fleming, Grant, Jolly—3.

Absent or not voting: Senators Durkan, Lewis (R. H. "Bob"), Wanamaker—3.

Excused: Senators Guess, Metcalf, Woodall—3.

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.

WITHDRAWAL OF MOTION FOR RECONSIDERATION

Senator Mardesich having served notice on Tuesday, January 29, 1974 that he would move for reconsideration of the vote by which Senate Bill No. 2572 passed the Senate, there being no objection, the motion for reconsideration was withdrawn.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1974.

SENATE BILL NO. 2986, designating the twenty-first day of June of each year as Latin American Day (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 22, 1974.

SENATE BILL NO. 3065, implementing the law relating to home care services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3140, providing for health care services for newborn infants (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

January 30, 1974.

SENATE BILL NO. 3141, revising the unemployment compensation laws with respect to quitting work (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 3141 be substituted therefor and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Grant, Jones, Matson, Ridder, Sellar, Woody.

There being no objection, Senate Bill No. 3141 was referred to the Committee on Ways and Means.

January 30, 1974.

SENATE BILL NO. 3196, providing, upon request, for audits by state auditor of certain school or community college districts contemplating reductions in force due to economic reasons (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3196 be substituted therefor and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 29, 1974.

SENATE BILL NO. 3365, providing for the reuse of certain unused drugs in nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Holleke, Vice Chairman; Clarke, Connor, Francis, Jones, Ridder.

Passed to Committee on Rules for second reading.

MOTION

At 7:00 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:30 a.m., Thursday, January 31, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, January 31, 1974.

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 Durkan, Guess, Murray, Scott and Walgren. On motion of Senator Lewis (Harry), Senators Guess, Scott and Murray were excused. On motion of Senator Mardesich, Senators Durkan and Walgren were excused.

The Color Guard, consisting of Pages David Hamilton and Kathy Glaser, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD, OUR FATHER, WE BRING BEFORE YOU TODAY THE MEMBERS OF THE SENATE AND ALL MEMBERS OF THE STAFF WHO WORK WITH THEM. GRANT TO THEM THE SENSE OF GRACE AND LOVE WHICH MAY MAKE THIS DAY WORTHWHILE. WE PRAY AS WELL FOR THEIR WIVES OR HUSBANDS, THEIR CHILDREN, THEIR LOVED ONES WHO MUST GET BY WITHOUT THE PRESENCE AND SUPPORT OF THESE PUBLIC SERVANTS. GRANT THAT THE TIES OF FAMILY COMMITMENT AND LOVE MAY REACH ACROSS THE MILES, MAKING THIS A DAY OF LOVING COMPANIONSHIP BETWEEN THOSE WHO MAY BE MILES APART, IN DISTANCE, BUT ARE VERY CLOSE IN LOVE.

"GRANT TODAY A RENEWAL OF IDEALISM IN ALL THESE, YOUR SERVANTS, A REBIRTH OF DRIVE FOR THE PUBLIC GOOD WHICH ALONE CAN MAKE THIS DAY MEANINGFUL AND PRODUCTIVE. FORGIVE MISTAKES OF YESTERDAY, FORGIVE NARROW, SELF-SEEKING OR THE SINS OF OMISSION OR COMMISSION. WE THANK YOU FOR YOUR DIVINE PRESENCE, HEARD IN THE CAUTIONS OF COLLEAGUES, IN THE STILL SMALL VOICE OF CONSCIENCE, AND IN THE MYSTICAL SENSE THAT WE ARE NOT ALONE. FOR YOUR PRESENCE, AND YOUR EMPOWERMENT, WE THANK YOU THIS DAY, AND COMMIT THE DAY AND OURSELVES TO YOUR JUST CAUSE. IN THE MASTER'S NAME. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

January 31, 1974.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 150, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 30, 1974.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 1194,
HOUSE BILL NO. 1238
HOUSE BILL NO. 1282,

HOUSE BILL NO. 1494,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1525, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1194, by Representatives Smith, Randall and Beck: Establishing eligibility requirements for commercial herring licenses. Referred to Committee on Natural Resources.

HOUSE BILL NO. 1238, by Representatives Conner, Anderson and Berentson: Providing for permits for logging trucks. Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 1282, by Representatives Bauer, Brown and Perry (by Superintendent of Public Instruction request): Authorizing school transportation pilot program and transferring certain programs from jurisdiction of superintendent of public instruction. Referred to Committee on Education.

HOUSE BILL NO. 1494, by Representatives O'Brien, Perry, Wojahn, Ceccarelli, Bagnariol, Pardini, Thompson, Gallagher, Bauer, Chatalas, Eng, Hurley, Maxie, May, McCormick, Van Dyk and Warnke: Including furnishing of textbooks among ancillary services of school districts. Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1525, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Knowles, Freeman, Kelley, Parker, Wojahn and Matthews): Relating to civil commitment. Referred to Judiciary Committee.

SECOND READING

SENATE BILL NO. 3031, by Senator Rasmussen: Abolishing the governor's power to proclaim public holidays.

REPORT OF STANDING COMMITTEE

January 25, 1974.

SENATE BILL NO. 3031, abolishing the governor's power to proclaim public holidays (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, section 1, after "Day" and before the semicolon insert "*and Washington Admission Day*".

On page 1, line 19, section 1, strike "[*and*)]".

On page 1, line 20, section 1, after "state" strike all of the material down to and including "[*holiday*)]" and insert "; and any day designated by public proclamation of the chief executive of the state as a legal holiday *for the purpose of honoring a president*".

Signed by: Senators Rasmussen, Chairman; Day, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3031 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Rasmussen yield? There is another bill in, Senator, that makes the state dates coincide with the federal dates. Do you remember, there was quite a mixup and the federal people had not only the state holiday but they had the federal. Is this taken care of in this bill?"

Senator Rasmussen: "This does not make any change in that. I think that the bill you are speaking of is up in the Education Committee relating to school holidays and makes it conform with the bill that this legislature passed last session."

Senator Peterson (Ted): "You did not think of tying this in in your legislation here then, did you?"

Senator Rasmussen: "No, this is just related to school holidays in another section of the law. I think that is in the Education Committee in the Senate right now. Or it may be in Rules. I have no knowledge."

Senator Peterson (Ted): "It is not in Rules. That is why I wondered."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3031 and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; excused, 5.

Voting yea: Senators Atwood, Bottiger, Canfield, Connor, Day, Donohue, Dore, Francis, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Woodall, Woody—33.

Voting nay: Senators Bailey, Clarke, Fleming, Grant, Ridder, Sandison, Seller, Stortini, Talley, Whetzel—10.

Excused: Senators Durkan, Guess, Murray, Scott, Walgren—5.

ENGROSSED SENATE BILL NO. 3031, having received the constitutional majority, was declared passed. 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 Walgren and Woody:

Declaring the state ferry system to be a mass transportation system.

The bill was read the second time by sections.

On motion of Senator Woody, Senate Bill No. 3147 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Woody yield? This is a very serious question. I assume that you are aware of what the situation is with respect to the motor vehicle fund, the twenty percent projected drop off in revenue as a consequence of the gasoline problems. We saw a report just the other day which shows, I think it was something like four or fourteen million left in the motor vehicle fund to use for matching money. With that situation already being the case, will this cause us any further problems with adding this to the mass transit system? Will we be in a position where we now have no funds to divide, what will this do, just add more of a problem to it?"

Senator Woody: "So far as I know it will add no further problem so far as taking any money away from that particular fund. This particular measure is specifically designed for two things: number one, to get federal funds, and number two, in an effort to prevent any further cut down of the use of the ferry system. It may have a collateral effect of more people using the ferries rather than driving. If we cut down the ferry system they will be driving the long way around and use more gas and therefore perhaps build up the fund in that regard, but the basic purpose of this bill is only to make it a mass transit system."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3147 and the bill passed the Senate by the following vote: Yeas, 44; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Excused: Senators Durkan, Guess, Scott, Walgren—4.

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. 3229, by Senator Durkan:

Conforming metro enabling legislation to requirements of federal pollution control laws.

REPORT OF STANDING COMMITTEE

January 26, 1974.

SENATE BILL NO. 3229, conforming metro enabling legislation to requirements of federal pollution control laws (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, line 33, section 6, after "or" and before "and" strike "sewer district" and insert "[sewer] *special* district *operating local public sewer facilities*"

On page 9, line 1, section 6, after "any" and before "city" insert "*such*" and after "or" and before "district" strike "sewer" and insert "[sewer] *special*".

On page 9, line 2, section 6, after "or" and before "district" strike "sewer" and insert "[sewer] *special*".

On page 9, line 3, section 6, after "or" and before "district" strike "sewer" and insert "[sewer] *special*".

On page 9, line 6, section 6, after *any*" and before "*city*" insert "*such*".

On page 9, at the beginning of line 7, section 6, before "*district*" strike "*sewer*" and insert "*special*" and after "*or*" and before "*district*" strike "*sewer*" and insert "*special*".

On page 10, line 8, section 7, after "component city" insert "*and county*".

Signed by: Senators Washington, Chairman; Murray, Van Hollebeke, Whetzel.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were adopted simultaneously.

On motion of Senator Washington, Engrossed Senate Bill No. 3229 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3229 and the bill passed the Senate by the following vote: Yeas, 44; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Excused: Senators Durkan, Guess, Scott, Walgren—4.

ENGROSSED SENATE BILL NO. 3229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 2716, by Senator Bottiger:

Establishing a collective bargaining unit comprised of exempt employees who are liquor vendors.

The bill was read the second time by sections.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, section 1, line 7, after "vendors:" strike the remainder of the paragraph and insert: "PROVIDED, That this 1974 amendatory act shall not be construed as granting such vendors retirement benefits or tenure: PROVIDED FURTHER, That such bargaining unit shall not bargain for or be included in any governmental employee retirement system".

On motion of Senator Bottiger, Reengrossed Senate Bill No. 2716 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: "Will Senator Bottiger yield to a question? Senator Bottiger, is this a private association, a business group that you are authorizing for collective bargaining privileges?"

Senator Bottiger: "Senator Rasmussen, I do not believe so. The State Employees' Association is the one that I was referring to that came and asked for the bill. They are engaged in collective negotiations for many state employees. You know, there is Norm Schut's group and then the Association. The Association came and asked for this bill. It apparently has no objection from Mr. Schut's organization."

Senator Rasmussen: "Enlighten me a little more on that. Is Norm Schut's union organization representing these people without them paying dues into the organization?"

Senator Bottiger: "I would not know whether it is or not. Norm Schut's group is not the one involved in this. It is the State Association of Employees that is asking for this. I do not know whether they are collecting dues from them now or not."

POINT OF INQUIRY

Senator Rasmussen: "Senator Lewis, are these people private merchants running their own business that we are now allowing to become a collective bargaining group with the state?"

Senator Lewis (Harry): "No, Senator, they are really contractors with the state and they are closely controlled by the State Liquor Board. As an example, there is a requirement that the more liquor they sell the lower the percentage they take in, and they are primarily mom and pop operations in small rural areas, working on a very tightly controlled basis with the Liquor Board which controls their profits, which controls everything that they do. They are scattered from one end of the state to the other and so there is no way that they can bargain individually to try to improve their situation. You want to remember that the rest of the liquor is sold through agencies and that they are presently controlled by the state and they have their own bargaining units, but these people scattered out in the fringes are so isolated and by themselves that unless an organization that is interested like the Association of State Employees here, there is no way for them to come to grips with the Liquor Board itself. Does that answer your question?"

Senator Rasmussen: "Yes, Senator Lewis. My sympathies are probably with them but my sympathies are also with all of the gas station dealers that are selling gas to state employees and that is my concern too. Maybe we should include them in the bargaining unit also."

Senator Lewis (Harry): "I would suggest that you ask the Governor if that would be within the scope and object, and I would be willing to listen to his wisdom."

Senator Rasmussen: "This is not an amendment, Senator Lewis. Mr. President, that is my concern and I share the same concern as Senator Day expressed, that the Liquor Board is probably in deep trouble because of the high taxes the legislature has put on liquor and we most certainly should do something about it, but I am not sure that the way Senator Lewis proposes is the way to do it."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2716, and the bill failed to pass the Senate by the following vote: Yeas, 19; nays, 22; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Bottiger, Connor, Dore, Fleming, Grant, Greive, Herr, Keefe, Knoblauch, Lewis (Harry), Marsh, Peterson (Lowell), Ridder, Sandison, Talley, Van Hollebeke, Walgren, Woody—19.

Voting nay: Senators Atwood, Canfield, Clarke, Day, Jolly, Jones, Lewis (R. H. "Bob"), Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Stortini, Twigg, von Reichbauer, Wanamaker, Washington, Whetzel, Woodall—22.

Absent or not voting: Senators Donohue, Francis, Henry, Sellar—4.

Excused: Senators Durkan, Guess, Scott—3.

REENGROSSED SENATE BILL NO. 2716, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Washington, the following bill, Senate Bill No. 2977 was made a special order of business for 3:00 p.m. today:

SENATE BILL NO. 2977, by Senators Guess, Washington, Walgren and Whetzel:
Regulating discharge of air contaminants from motor vehicles.

SECOND READING

SENATE BILL NO. 3055, by Senators Odegaard, Donohue and Canfield:
Extending application period for real property current use classification for 1974.
The bill was read the second time by sections.

On motion of Senator Odegaard, Senate Bill No. 3055 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3055, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—40.

Voting nay: Senator Whetzel—1.

Absent or not voting: Senators Donohue, Henry, Mardesich, Woodall—4.

Excused: Senators Durkan, Guess, Scott—3.

SENATE BILL NO. 3055, having received the constitutional majority, was 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. 147, by Senators Talley and Odegaard: Authorizing study on Wahkiakum-Cowlitz county line park.

The resolution was read the second time in full.

On motion of Senator Odegaard, Senate Concurrent Resolution No. 147 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

SECOND READING

SENATE JOINT MEMORIAL NO. 131, by Senators Mardesich, Woody and Atwood: Requesting that the International Joint Commission delay any decision regarding Point Roberts until after hearing the recommendations of the Washington state legislature.

The memorial was read the second time in full.

On motion of Senator Atwood, Senate Joint Memorial No. 131 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 131, and the memorial passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—43.

Absent or not voting: Senators Connor, Woodall—2.

Excused: Senators Durkan, Guess, Scott—3.

SENATE JOINT MEMORIAL NO. 131, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3049, by Committee on State Government (originally sponsored by Senators Dore, Marsh and Jones):

Authorizing additional means of funding public employee deferred compensation plans.

The Senate resumed consideration of Substitute Senate Bill No. 3049 from January 30, 1974.

On motion of Senator Rasmussen, Substitute Senate Bill No. 3049 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3049, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Atwood, Lewis (Harry), Lewis (R. H. "Bob")—3.

Excused: Senators Durkan, Guess, Scott—3.

SUBSTITUTE SENATE BILL NO. 3049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, Substitute Senate Bill No. 3049 was ordered immediately transmitted to the House.

President Pro Tempore Henry assumed the Chair.

SECOND READING

SENATE BILL NO. 3116, by Senators Walgren and Peterson (Lowell):

Making changes in the laws relating to commercial herring licenses.

The bill was read the second time by sections.

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

On page 1, section 1, line 20, after the period add "*The individual validation to fish for herring shall be fully transferable.*"

MOTION

On motion of Senator Mardesich, Senate Bill No. 3116, as amended by Senator Metcalf, was ordered held following consideration of Senate Bill No. 3324 on today's second reading calendar.

SECOND READING

SENATE BILL NO. 3324, by Senators Lewis (Harry) and Rasmussen:

Providing for the legal defense of public officers.

The bill was read the second time by sections.

Senator Dore moved adoption of the following amendment by Senators Rasmussen and Dore:

On page 1, section 1, line 15, after "*amended*" and before the period insert "*PROVIDED, That the amount and reasonableness of such fees and costs expended shall be approved by the superior court where the action or proceeding was commenced*".

POINT OF INQUIRY

Senator Woody: "Would Senator Dore yield? I have looked at this bill to some extent. 'That the amount and reasonableness of such fees,' are you referring now to the fees that the Attorney General may on paper lay off against the department or are you talking about the claimant's attorney's fees?"

Senator Dore: "I think the early part of the bill refers to fees and costs and I merely put it in broad language to include everything. Expenses, whatever is incurred."

Senator Woody: "There is no place in the act that says 'fees.' What do you intend by this?"

Senator Dore: "Whatever is paid out of the fund will be approved by the court. Maybe you have other words you would like to add to it or amend but I wrote the amendment in a hurry. I just came across the bill."

Senator Woody: "If you take what you are saying on its face value, that means of course the claimant's attorney's fees would have to be approved as they are in workmen's compensation, would have to be approved by the superior court before they would be allowable and payable."

Senator Dore: "I am referring to the last sentence, 'In such cases the attorney general shall appear and defend such officer or employee and any obligation for payment arising from such action or proceedings shall be paid from the tort claim revolving fund pursuant to provisions of the act.' Obviously that sentence means the fee that the Attorney General will pay. No attempt to set the fees of the claimant. If you want to put a proviso in excluding them I have no objection."

Senator Woody: "My point is if later on, unless somebody looks at the Journal of the Senate, your amendment is going to be interpreted to mean that the claimant's attorney's fees will have to be approved as they are in workmen's compensation. I do not know whether that is good or bad. It might be good. I do not know."

Senator Dore: "If you will ask me a question, Senator, I will then put it in the Journal."

Senator Woody: "You have the question."

Senator Dore: "What is the question so I can put it in the Journal?"

Senator Woody: "I have asked it about three times. I think it is in the Journal. Is it the legislative intent by your amendment to include that the fees of the claimant's attorney should be or should not be approved by the superior court?"

Senator Dore: "No, the purpose of my amendment applies to the expenditures of the Attorney General and all fees and costs that he pays out of the tort claims fund shall be first approved as to amount and reasonableness by the superior court judge in the proceedings. There is a check on the fees of the claimant because, after all, he negotiates with his own lawyer. There is no need for it, actually, in that particular category."

POINT OF INQUIRY

Senator Greive: "Will Senator Dore yield to a question? It would seem to me that you get your defense and there is a great deal of work done and you may never even go to court. It may be settled, you know, various things that a lawyer handles. Are you saying that ab initio, backwards, after it is all done they could decide whether the money should have ever been expended by the superior court or that it is reasonable?"

Senator Dore: "This bill is not my bill but merely provides for the defense by the Attorney General of various state officials who get involved in court actions. The only new part of it is it provides that this money shall be paid out of the tort claims revolving fund. And I just added an amendment saying any funds so paid, whether they be preliminary to court action or involve court action shall be approved by the superior court in which the proceeding or action arose."

Senator Greive: "Mr. President, I am still somewhat at a loss. I do not really object to the court having a handle on it but what this bill really does is, first of all it changes the test from negligence to gross negligence so that it is a question of whether or not you are dealing with gross negligence. Then it proceeds and it is a board that is made up of the governor and the various department heads make this determination. Then it provides that the obligation arising from this shall come from the tort claims revolving fund which seems to be intelligent too. Now the trouble with a lawsuit is that you spend a lot of time and energy, you draw up pleadings, you answer, you have motions and so forth, and you do not ever go to the court. Now when it is all done, are you going to come backwards and then say that that should not be allowed?"

Senator Dore: "No, Senator. I just said that anything paid out of the fund as to reasonableness shall be approved by the court. You may object to other parts of the bill and not approve of the other amendments but this merely says that if you do approve them, then the amount and reasonableness shall be determined by the court. And I think the words used, 'action or proceeding,' which would include, in my opinion, more than just a formal lawsuit, it would include perhaps negotiation or things of that nature. I think it is quite broad."

Senator Greive: "Senator, in reading your amendment it says 'the amount and the reasonableness of such fees.' Now I would interpret 'amount' a little differently than you do. I would have no objection of the 'reasonableness' being approved but the 'amount', as I would interpret it, would sound to me like they could refuse backwards to have allowed the fees that had already occurred, or the obligations already incurred. I would suggest, Senator, if you would take out the word 'amount' and leave 'reasonableness' you would solve the problem."

Senator Dore: "Responding to Senator Greive, I do not think it makes any difference. I struck the 'amount' out because if it is not 'reasonable' that determines the 'amount'. I put that word in. The majority leader says I should accept your amendment."

On motion of Senator Greive, the following amendment to the amendment by Senators Rasmussen and Dore was adopted:

On line 3 of the amendment, strike "*amount and*"

On motion of Senator Woody, the following amendment to the amendment by Senators Rasmussen and Dore was adopted:

On line 4 of the amendment, after "*expended*" insert "*by the attorney general*".

On motion of Senator Francis, the following amendment to the amendment by Senators Rasmussen and Dore was adopted:

On line 6 of the amendment, strike "*approved*" and insert "*subject to approval*".

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

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3324 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3324, and the bill passed the Senate by the following vote: Yeas, 45; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Excused: Senators Durkan, Guess, Scott—3.

ENGROSSED SENATE BILL NO. 3324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3116, by Senators Walgren and Peterson (Lowell):

Making changes in the laws relating to commercial herring licenses.

The Senate resumed consideration of Senate Bill No. 3116 as amended by Senator Metcalf earlier today.

Senator Mardesich moved adoption of the following amendment:

On page 1, section 1, line 11, after "through April" strike "1" and insert "[1] /5".

MOTION

On motion of Senator Greive, Senate Bill No. 3116, as amended by Senator Metcalf and the amendment moved for adoption by Senator Mardesich, were ordered held as the first order of business following noon recess.

MOTION

At 11:00 a.m., on motion of Senator Bailey, the Senate recessed until 12:15 p.m.

NOON SESSION

The President called the Senate to order at 12:15 p.m.

PERSONAL PRIVILEGE

Senator Durkan: "Mr. President and members of the Senate, I had the Secretary distribute to both caucuses the decision which the Supreme Court handed down this morning concerning revaluation of property taxes. The impact on the budget could be substantial. We do not know yet and will not know probably for some time, until after the

Attorney General's Office and the Department of Revenue, along with assessors, have had an opportunity to examine the opinion and make a determination whether or not the rollback is going to apply to other than just Pierce County and whether it is going to apply to more than four years. The budget is prepared and ready to be presented to the Senate. However, I have decided that until we know just what the impact of this is going to be, and hopefully it will be sometime this afternoon or tomorrow, as to what the loss of revenue is going to be to school districts and other local junior taxing districts, we are going to hold off. For instance, we do know that at least thirty-five percent of all the parcels in Pierce County are going to be affected by this decision. We do know that it could be as much as five or six million dollars in Pierce County and it could affect one school district in excess of two million dollars. These are some of the things that we have been told already by the Department of Revenue. They are trying to analyze the opinion and give us some information, and hopefully it will be available this afternoon or tomorrow morning, so we can make a judgment on what to do as far as the common schools and other problems, senior citizens, fire districts, any junior taxing district you can think of, and hopefully we will have it there. So those of you who are anxiously awaiting the Ways and Means Committee deliberations on the budget, I hope that you would bear with us until we have had an opportunity to examine this opinion."

POINT OF INQUIRY

Senator Bailey: "Did Senator Mardesich's rule on the limitation of time carry through until today or through the day?"

REPLY BY THE PRESIDENT

The President: "I believe so, Senator."

MOTION

At 12:20 p.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

MOTION

On motion of Senator Bailey, Senator Fleming was excused.
There being no objection, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

January 28, 1974.

SENATE BILL NO. 3205, requiring duplicate cards in punch card voting (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Canfield, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Greive, Senate Bill No. 3116, as amended by Senator Metcalf, together with the pending amendment by Senator Mardesich, was made a special order of business immediately following consideration of Senate Bill No. 3026.

SECOND READING

SENATE BILL NO. 3044, by Senator Grant:
Providing for mandatory dates for holding certain elections.

REPORT OF STANDING COMMITTEE

January 25, 1974.

SENATE BILL NO. 3044, providing for mandatory dates for holding certain elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 18, section 1, after "(2)" strike all of the material down to and including "June;" on line 19 and insert "*The last Tuesday in March; (3) The first Tuesday after the second Monday in May;*"

On page 4, line 17, section 2, subsection (2), after "by" strike all language down to and including "commissioners" on line 18 and insert "*such governing body*".

On page 4, line 19, section 2, subsection (2), after "the" strike "commissioners" and insert "*governing body*".

On page 4, line 21, section 2, subsection (2) after "(2)" strike all of the material down to and including "June;" on line 19 and insert "*The last Tuesday in March; (3) The first Tuesday after the second Monday in May;*".

Signed by: Senators Grant, Chairman; Canfield, Metcalf, von Reichbauer, Washington. The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted.

On motion of Senator Grant, Engrossed Senate Bill No. 3044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Grant yield? Was any suggestion made to changing the city elections or the primaries from the particularly bad time where they come in the Fall?"

Senator Grant: "The county auditors suggested that change, Senator Rasmussen. However, it is not included in this measure. No change has been included in this measure."

Senator Rasmussen: "The committee did consider that?"

Senator Grant: "We have had that under consideration."

Senator Rasmussen: "Do you think it was a good suggestion?"

Senator Grant: "In some respects."

Senator Rasmussen: "That would help a whole lot in getting a primary turnout. Maybe we can get that in over in the House."

Senator Grant: "Maybe you would like to try it over there."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3044, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Metcalf, Murray, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—34.

Voting nay: Senators Atwood, Clarke, Jones, Lewis (R. H. "Bob"), Newschwander, Sellar, Twigg, Whetzel, Woodall—9.

Absent or not voting: Senators Durkan, Matson, Peterson (Lowell)—3.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 3044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3058, by Senators von Reichbauer, Clarke and Bottiger:

Authorizing added functions for the school directors' association and authorizing school districts to contract with the association in relation to its performance of certain functions.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the following amendments by Senators von Reichbauer and Murray were adopted:

On page 2, line 17, section 1, after "by" strike "school districts" and insert "a local school district board(s) of directors"

On page 2, section 1, beginning on line 20, strike all of the material down to and including the period and insert: "district board(s) in particular problem areas: PROVIDED, That such services, information, and consultants are not already available from other state agencies or from the information and research services authorized by RCW 28A.58.530."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator von Reichbauer yield to a question? Senator, you are apparently enlarging the school directors' bill so that they may sue and be sued, contract for various things through various agencies. Could you tell me, how is the School Directors' Association financed? Are these taxpayers' funds that are going to be used?"

Senator von Reichbauer: "Mr. President, is Senator Rasmussen talking about the amendment or the bill?"

Senator Rasmussen: "It is in relation to the amendment."

Senator von Reichbauer: "I believe it is not; the question is not. But I will answer your question. They are supported by state funds."

Senator Rasmussen: "My question is, how much you are enlarging this to encompass."

Senator von Reichbauer: "I was planning to get into this when I spoke to the bill in its entirety."

Senator Rasmussen: "Okay. I will hold my question until then, Senator."

On motion of Senator von Reichbauer, Engrossed Senate Bill No. 3058 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, to directly answer Senator Rasmussen's question, the bill makes no change whatsoever in the assessment method by which the School Directors' Association is funded. Each member district of the association pays, I believe it is a per capita, revenue tax which is set by statute. The bill would authorize them on a reimbursable basis to entertain either the legal actions that might be necessary on behalf of, say, all third class school districts, to defend them as a group rather than each school district having to defend itself. Probably a tax savings of taxpayers' money. In addition they could by cooperative agreement obtain the services of, say, an insurance consultant to review and advise certain class school districts or groups of school districts on how to get a better buy on insurance premiums which again, hopefully, would reduce the cost to the taxpayer. I think, Senator Rasmussen, I join with you in your concern the dollars that we think are going to educate kids are not funneled off on some program but I think this bill meets both of your objections and saves money rather than spending it."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Clarke yield to a question? Senator Clarke, is there a limit on the amount of assessment they can put on a local school district?"

Senator Clarke: "Yes, it is very definitely set by statute. I forget now just what it is but my recollection is that there is a specific statutory limitation."

Senator Rasmussen: "Does Senator Bottiger know, or Senator von Reichbauer?"

Senator Bottiger: "Senator Rasmussen, I cannot remember. In the back of my mind I think it is sixty-eight cents but I am not positive."

Senator Rasmussen: "Per pupil or per district?"

Senator Bottiger: "It is per pupil. It is a per pupil assessment. I can remember having raised it by a bill so I know it is in a bill form and if they want to raise that they have to come to us to get authority to raise that assessment, because I remember having done that."

Senator Rasmussen: "Mr. President, it makes me wonder why we have a Superintendent of Public Instruction and all of his staff when we are enlarging all the other duties for the School Directors' Association. I thought they were all interested in the school children. Maybe we ought to have a committee to study a little coordination so that we do not expand the two organizations and have them fighting each other. It would get to the point where they are like the federal agencies, they are all fighting among themselves."

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, in answer to those comments the last amendment just put on, if you would read it, Senator Rasmussen, very specifically restricts the functions to those that are not available through the avenues that you just talked about."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3058, and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; absent or not voting, 6; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—38.

Voting nay: Senators Francis, Grant—2.

Absent or not voting: Senators Connor, Durkan, Lewis (Harry), Mardesich, Peterson (Lowell), Twigg—6.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 3058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3027, by Senators Talley, Peterson (Ted) and Connor:

Defining "uniformed personnel" for purposes of public employees' collective bargaining.

The bill was read the second time by sections.

On motion of Senator Talley, Senate Bill No. 3027 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Atwood: "Would Senator Talley yield? Senator Talley, by doing this, the cities of the first class firefighters and policemen have compulsory arbitration now, do they?"

Senator Talley: "I am not sure, sir."

Senator Atwood: "If they do then this would give that right also to the ones that you are scooping up in this? This covers everyone below fifteen thousand. This gives them the identical rights of the firefighters and police in the first class cities?"

Senator Talley: "Yes, correct."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3027, and the bill passed the Senate by the following vote: Yeas, 26; nays, 13; absent or not voting, 7; excused, 2.

Voting yea: Senators Bailey, Bottiger, Day, Dore, Francis, Grant, Greive, Herr, Jones, Keefe, Knoblauch, Marsh, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Whetzel, Woody—26.

Voting nay: Senators Atwood, Canfield, Clarke, Donohue, Jolly, Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Scott, Twigg, Wanamaker, Washington—13.

Absent or not voting: Senators Connor, Durkan, Henry, Lewis (Harry), Mardesich, Sellar, Woodall—7.

Excused: Senators Fleming, Guess—2.

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. 3181, by Senators Odegaard, Woody and Atwood:

Providing for superior court judges in certain counties.

The bill was read the second time by sections.

Senator Sandison moved adoption of the following amendment:

On line 13 of the bill following section 1, add a new section to read as follows:

"Sec. 2. Section 2, chapter 19, Laws of 1955 as last amended by section 3, chapter 83, Laws of 1971, 1st ex. sess. and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, three judges of the superior court; in the counties of Clallam and Jefferson jointly, [one judge] *two judges* of the superior court; in the county of Snohomish seven judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court."

Debate ensued.

MOTION

On motion of Senator Francis, Senate Bill No. 3181, together with the amendment moved for adoption by Senator Sandison, was ordered placed on today's second reading calendar following consideration of Senate Bill No. 3040.

SECOND READING

SENATE BILL NO. 3189, by Senator Lewis (Harry):

Exempting certain leasehold estates from property taxation.

The bill was read the second time by sections.

On motion of Senator Atwood, 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 Woody: "Would Senator Atwood yield? In the terminology 'property owned in fee or held in trust by the government of the United States,' that would include Indian land too, would it not?"

Senator Atwood: "Yes."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3189, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 8; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Whetzel, Woody—38.

Absent or not voting: Senators Connor, Durkan, Francis, Jones, Lewis (Harry), Mardesich, Walgren, Woodall—8.

Excused: Senators Fleming, Guess—2.

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.

MOTION

On motion of Senator Atwood, Senator Lewis (Harry) was excused.

SECOND READING

SENATE BILL NO. 3206, by Senators Metcalf, Francis and Van Hollebeke:

Providing for a moratorium of one year from the charitable solicitation laws for nonprofessional fund raisers.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the following amendment was adopted:

On page 1, section 1, line 11, strike "January 1" and insert "April 15".

On motion of Senator Van Hollebeke, Engrossed Senate Bill No. 3206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3206, and the bill passed the Senate by the following vote: Yeas, 35; nays, 4; absent or not voting, 6; excused, 3.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Francis, Greive, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—35.

Voting nay: Senators Atwood, Grant, Scott, Sellar—4.

Absent or not voting: Senators Connor, Dore, Durkan, Henry, Twigg, Woodall—6.

Excused: Senators Fleming, Guess, Lewis (Harry)—3.

ENGROSSED 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.

SECOND READING

SENATE BILL NO. 3040, by Senators Day, Jones, Van Hollebeke and Ridder:
Creating the Washington health care facilities authority.

REPORT OF STANDING COMMITTEE

January 24, 1974.

SENATE BILL NO. 3040, creating the Washington health care facilities authority (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 21, section 2, after "professionals" and before the period insert "or as an independent nursing home or other facility primarily offering domiciliary care"

On page 3, line 6, section 3, after "commissioner," strike "and two" and insert "the chairman of the Washington state hospital commission, and one".

On page 3, line 22, section 4, after "participants" and before "for" insert "of projects".

On page 6, line 15, section 5, after "thereof," and before "and" insert "interest during construction, reserve funds".

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Herr, Murray, Ridder, Twigg.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, Engrossed Senate Bill No. 3040 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Day yield? 'Participant' means any city, county or other municipal corporation or agency or political subdivision of the state or to any corporation, hospital or health maintenance organization authorized by law to operate nonprofit health care facilities. What do you anticipate will be included in all of this?"

Senator Day: "Well of course, just what it says, any nonprofit corporation including the state which should have a hospital. In other words, if we want to utilize this particular type of financing it can be done for any type of facility covered under that description."

Senator Rasmussen: "All of the state, county and cities now can issue that type of bonds without any additional help."

Senator Day: "That is true but you see, what that does relative to this type of construction, it brings them under this new health care facilities, Washington Health Care Facilities Authority, and one of the members of that authority is our own Lieutenant Governor."

Senator Rasmussen: "I see he is put on there by virtue of this bill. I do not know if he knows he is in charge of the health authority yet."

"Then the other question I have is, on page 3, 'but shall be payable only from special funds created by the authority for their payment'. Now I presume that that is going to be revenue from the particular institution that you are going to build with this authority."

Senator Day: "No, it says the members of the authority shall serve without compensation but shall be entitled to reimbursement solely from the funds of the authority for necessary expenses incurred, etc., in the discharge of their duties, if I am reading where you suggest."

Senator Rasmussen: "No, I am looking at section 4, Senator, on line 26, where the authority is empowered to issue bonds 'for the construction, purchase, acquisition, rental, leasing or use by the participants for which bonds to provide funds therefor have been approved by the authority. Such bonds shall be issued in the name of the authority.'"

Senator Day: "That in no way involves the liability of the state. It merely gives them the authority, the specific authority, and empowers them as the ones who can issue the bonds for such purposes."

Senator Rasmussen: "That is my question. You are going to pay for the bonds. First you say such bonds shall be issued in the name of the authority. Then you are going to pay off the bonds from this special fund but over on page 5 at the top of the page you say that they shall not be a general obligation of the authority. Well how are you going to sell bonds and get a decent rate when they are not an obligation of the authority, yet they are issued under the power of the authority."

Senator Day: "It says rather that the authority is empowered to provide for the issuance of such limited obligation securities. Now obviously the facility being constructed is going to be the thing that is going to be obligated for the payment, the people who build the hospital, and the building itself will of course be the security."

Senator Rasmussen: "Could you tell me one thing more, Senator? Where does this bill come from?"

Senator Day: "This bill came from a need and was supported by the Hospital Association, by the Department of Social and Health Services, and by many others. It is a new type of approach to financing. Now in years past we have had Hill-Burton funds where we have actually made grants for a portion of the . . ."

Senator Rasmussen: "We still have those."

Senator Day: "Yes, but they are nearly out of the picture and what this does now, it reverses. Instead of our sending federal monies back in taxes and then trying to subsidize these things, what we are doing is allowing them to issue these special types of bonds in a manner that will cut the interest rate from over nine percent to five and one-half percent, and in so doing we enable construction and reduce costs, Senator, and that is what the purpose of the bill is."

Senator Rasmussen: "It has a very worthwhile purpose. I doubt if it will work."

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Senator Day, I am going to ask you a long-winded question in which I expect your usual definitive answer for purposes of legislative intent. In view of the fact that the authority is made up of the Governor, the Lieutenant Governor, the Insurance Commissioner, two members of the public who shall be appointed by the Governor, subject to confirmation of the Senate, and in view of the fact on page 5, starting on line 24 it provides that 'such health care facilities may be acquired, constructed, reconstructed, improved, leased, sold or otherwise disposed of in the manner determined by the authority,' in view of the fact the bill provides for these rather broad powers by this committee and also in view of the fact that we have known in the past that our own Capitol Committee has met in manners and time and has conducted itself in a fashion that our own Lieutenant Governor has not been able to find out what is going on and let the people of the state know what is going on with that committee; is it the legislative intent of this Senate Bill 3040 that the authority cannot meet in a manner to determine how property should be acquired or sold such that any member of the committee will not know what is going on or that any of the situations that have occurred with the Capitol Committee could occur in this situation?"

Senator Day: "Thank you, Senator Woody. In answer to your question, it should be clearly understood that the intent of this legislation is that all the members of the created commission participate and be notified of meetings, be allowed to participate fully in the decisions made, and I think that you did make one error. You said two public members. We have cut that to one public member so that the Chairman of the Hospital Commission who has been recommended for confirmation by my committee will be the other public member, so we tightened that up, Senator."

POINT OF INQUIRY

Senator Rasmussen: "Will the Senator yield to a further question? Senator, for the record, you are not conferring the powers of eminent domain on this authority?"

Senator Day: "I do not believe so."

Senator Rasmussen: "They will not be able to condemn any person's or any corporation's property?"

Senator Day: "No, I do not believe so. I think they can receive, in section 11, 'they may contribute real and personal property to cover the expenses of preliminary surveys and studies' and that type of thing. They are empowered to receive, in section 4, 'gifts, grants, pledges, mortgages or other securities from the federal government, the state, public and private institutions, except the authority may not obtain money derived from taxes for the purposes of the project or the taxing agency.'"

Senator Rasmussen: "There are no powers then of eminent domain?"

Senator Day: "Not to my knowledge."

Further debate ensued.

POINT OF INQUIRY

Senator Francis: "Senator Day, would you yield? Senator Day, your amendment on page 2 apparently excludes the construction through this bill of any facilities as independent nursing homes or as facilities offering primarily domiciliary care. First of all, and it is a two part question, is this intended to exclude nursing homes from this act, and secondly, if so, why?"

Senator Day: "Senator, I am sorry you were not at the first and second hearing relative to this because at the first one the nursing homes came in, together with the other people involved in the bill, and they had thought that nursing homes should be put in. And then at the second one after a great deal of discussion relative to this thing, they felt that it was not feasible and they wanted out. So the committee took them out. And that is about the best answer I can give you that they all agreed they should not be in this bill at this time and so they took them out of it."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, I have serious doubts as to whether or not that is a valid reason for excluding nursing homes because the entrepreneurs who operate them now do not want competition from state constructed health care facilities, and I was present at the hearings and I am familiar with the fact that they did not want it. I just am surprised that this is the only reason we have taken them out of here. It seems to me if we need health care facilities in some part of the state that does not have them we ought to be free to construct them whether or not people who are currently in the industry who may or may not be possible competition want them in there. I am sorry to see that we are on third reading because I think that is a bad amendment but maybe they can do something about it in the House."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, addressing myself to that, this does not preclude the construction of such facilities. All it does is preclude them from getting five and one-half percent money instead of nine and one-quarter."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3040, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Durkan, Matson, Sellar—3.

Excused: Senators Fleming, Guess, Lewis (Harry)—3.

ENGROSSED 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.

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

MESSAGE FROM THE HOUSE

January 31, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3100, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed: SENATE BILL NO. 3100.

SECOND READING

SENATE BILL NO. 3039, by Senator Day:

Granting certain powers to the parks and recreation committee.

REPORT OF STANDING COMMITTEE

January 28, 1974.

SENATE BILL NO. 3039, granting certain powers to the parks and recreation committee (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8, section 1, after "for" strike "radio and".

Signed by: Senators Knoblauch, Chairman; Bailey, Jones, Odegaard.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Day, Engrossed Senate Bill No. 3039 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Peterson (Lowell): "Will Senator Day yield? Senator Day, are you familiar with the case of radio and TV station KVO5 in Bellingham that recently had a lease cancelled by the Park Department on Orcas Island?"

Senator Day: "It is my understanding that the lease was not cancelled. It was not renewed. This is one of the things this addresses itself to."

Senator Peterson (Lowell): "It in no way affects this particular interest because this is passed I understand. They did not renew the lease and . . ."

Senator Day: "Is it for a radio or TV?"

Senator Peterson (Lowell): "TV and radio I believe."

Senator Day: "Of course, what this will do is mandate that KVO5 and KXLY on Mt. Spokane are the two leases we are discussing that the Parks Department, in the interest of public service, renew these leases as per the qualifications that are in the bill."

Senator Peterson (Lowell): "Thank you, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3039, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Waigren, Wanamaker, Washington, Woody—41.

Voting nay: Senator Greive—1.

Absent or not voting: Senators Atwood, Durkan, Whetzel, Woodall—4.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 3039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3064, by Senators Marsh and Atwood:

Creating the data processing revolving fund.

REPORT OF STANDING COMMITTEE

January 29, 1974.

SENATE BILL NO. 3064, creating the data processing revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 26, section 1, after the period insert: "As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.210."

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Dore, Fleming, Lewis (Harry), Marsh, Rasmussen.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

On motion of Senator Donohue, Engrossed Senate Bill No. 3064 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3064, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Connor, Durkan-2.

Excused: Senators Fleming, Guess-2.

ENGROSSED SENATE BILL NO. 3064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2186, by Committee on Social and Health Services (originally sponsored by Senators Bottiger, Gardner and Francis):

Providing for the regulation of the practice of naturopathy.

MOTIONS

On motion of Senator Day, Second Substitute Senate Bill No. 2186 was substituted for Engrossed Senate Bill No. 2186, and the second substitute bill was placed on second reading and read the second time in full.

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

On page 4, section 6, beginning on line 31 with "An applicant" strike all the material down through and including "failed." on line 33.

On motion of Senator Day, Engrossed Second Substitute Senate Bill No. 2186 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Dore: "Would Senator Day yield to a question? What activity can medical doctors do that naturopathics cannot do under your bill if this bill passes? What areas can they not perform?"

Senator Day: "Now are you asking me what medical doctors can do that they cannot, or vice versa?"

Senator Dore: "Either way, you could express it either way."

Senator Day: "This limits the practice of naturopathy, precludes them from doing surgery or prescribing drugs except the drugs which are natural agents and in the determination of natural agents, the Board of Pharmacy sits on a committee with the Board to determine what those are specifically."

Senator Greive: "Mr. President, I am going to object to this exchange simply because it is an attempt to read into the record legislative intent on something which is wholly contained within the act and I feel might prove to be the subject of future litigation and I do not think that we are here attempting to litigate differences between two professions, neither in which I have any personal or financial interest except that I deal in this particular field of law and it seems to me that we are only going to foul this record up from one end to the other. I just think it is an inappropriate question and should not be asked, and the answer should not be recorded as the sense of the body."

Senator Day: "Mr. President, to answer the question I will read the language in the bill. 'A formulary of drugs which will be the only drugs which can be used, administered or prescribed by naturopathic physicians as licensed by this 1973 act shall be compiled by a joint committee appointed by the State Examining and Disciplinary Board, the naturopathic physicians, and the Washington State Board of Pharmacy.'"

Senator Greive: "Mr. President, that still does not satisfy my objections. I believe that there is a provision for minor surgery in the bill and Senator Day has already said it would prevent them from doing any surgery."

Senator Day: "No, I said it would prevent — did I not say major surgery?"

Senator Greive: "No. If you say major surgery I am satisfied."

Senator Day: "I intended to say major surgery, Senator."

Senator Dore: "Am I under the gag rule? I am just reading what was in the digest and it does provide for surgery, repair of minor wounds without surgery except their closure and removal of foreign bodies. I just wondered what that meant. That is not a proper question. Maybe Senator Greive could answer."

Senator Greive: "I am not going to give an answer to make it the sense of this body. However, I will give Senator Dore my humble opinion which may or may not reflect the sense of the body because I do not want these great words to be interpreted by the state Supreme Court at some future time. As I understand it, naturopaths have traditionally had the right to do very minor surgical procedures, prescribe certain types of drugs, and to participate in various types of what I would term physiotherapy and this merely codifies what they are doing and have been doing for years."

Senator Bottiger: "Mr. President, before we make a mountain out of a molehill, the naturopaths are already covered by what is called the drugless healer act which was passed, I think I said 1916 and was corrected to 1919. It is grossly out of date. In redrafting this bill it was not the intent of the committee or the sponsors of the bill to expand their scope of practice at all. Now a naturopath can take a sliver out and that is about the extent of the kind of minor surgery Senator Greive was talking about. He is not engaging in surgery. He is basically a dietician in the use of natural foods and natural herbs to cure problems. And that is what he has been doing, Senator Dore, since 1919."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2186, and the bill passed the Senate by the following vote: Yeas, 35; nays, 5; absent or not voting, 6; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—35.

Voting nay: Senators Newschwander, Sellar, Stortini, Wanamaker, Whetzel—5.

Absent or not voting: Senators Donohue, Durkan, Lewis (Harry), Matson, Twigg, Woodall-6.

Excused: Senators Fleming, Guess-2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3181, by Senators Odegaard, Woody and Atwood:

Providing for superior court judges in certain counties.

The Senate resumed consideration of Senate Bill No. 3181 and the pending amendment moved for adoption by Senator Sandison earlier today to line 13 following section 1 adding a new section.

Debate ensued.

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

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

In line 3 of the title following "RCW 2.08.062" and before the period insert: "; and amending section 2, chapter 19, Laws of 1955 as last amended by section 3, chapter 83, Laws of 1971, 1st ex. sess. and RCW 2.08.064".

On motion of Senator Odegaard, Engrossed Senate Bill No. 3181 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3181, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 6; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Francis, Grant, Greive, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody-40.

Absent or not voting: Senators Donohue, Durkan, Henry, Lewis (Harry), Twigg, Woodall-6.

Excused: Senators Fleming, Guess-2.

ENGROSSED SENATE BILL NO. 3181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2904, by Senator Dore:

Relating to savings and loan associations.

REPORT OF STANDING COMMITTEE

January 29, 1974.

SENATE BILL NO. 2904, relating to savings and loan associations (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Section 7, chapter 280, Laws of 1959 and section 33.08.110 RCW are each amended to read as follows:

An association with the written approval of the supervisor, may establish and operate branches in any county of the state.

An association desiring to establish a branch shall file a written application therefor with the supervisor, who shall approve or disapprove the application within six months after receipt.

[A branch shall not be established at a place in which the supervisor would not permit a proposed new association to engage in business, by reason of any consideration contemplated by RCW 33.08.060.] *The supervisor's approval shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for their proposed branch and that the proposed branch is not being formed for other than the legitimate objects covered by this title.* A branch shall not be established or permitted if the contingent fund, loss reserves and guaranty stock are less than the aggregate paid-in capital which would be required by law 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 association shall have the right to appeal in the same manner and within the same time as provided by RCW 33.08.070. The association when delivering said application to the supervisor shall transmit to him a check for one hundred dollars to cover the expense of the investigation. An association shall not move any office from its immediate vicinity without prior approval of the supervisor."

On line 1 of the title, after "associations" insert "; and amending section 7, chapter 280, Laws of 1959, and section 33.08.110 RCW".

Signed by: Senators Dore, Chairman; Clarke, Mardesich, Newschwander, Walgren.

The bill was read the second time by sections.

On motion of Senator Dore, the committee amendment was adopted.

On motion of Senator Dore, the committee amendment to the title was adopted.

On motion of Senator Dore, Engrossed Senate Bill No. 2904 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2904, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 5; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—41.

Absent or not voting: Senators Donohue, Durkan, Lewis (Harry), Lewis (R. H. "Bob"), Wanamaker—5.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 2904, having received the constitutional majority, was declared passed. 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 Walgren, Whetzel and Murray:
Authorizing port police to exercise full police powers.

REPORT OF STANDING COMMITTEE

January 25, 1974.

SENATE BILL NO. 3059, authorizing port police to exercise full police powers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, section 1, after "upon" and before "any" strike "or having relation to".

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar.

The bill was read the second time by sections.

On motion of Senator Whetzel, the committee amendment was adopted.

On motion of Senator Walgren, Engrossed Senate Bill No. 3059 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Grant: "Would Senator Walgren yield to a question? Senator Walgren, I know how busy you are as the majority whip and I do not want to detain you from your other duties where I know you have considerable responsibilities. However, there is a question that bothers me somewhat regarding this measure and that is, if we authorize court policemen, if we give them full police powers, will the court then be required to cover them under the LEFF Act?"

Senator Walgren: "No."

Senator Grant: "Thank you, Senator Walgren, and I apologize sincerely for detaining you from your other duties."

POINT OF INQUIRY

Senator Woody: "Would Senator Walgren again yield? In the terminology, 'graduated from a recognized professional police academy or training institution,' by that you mean some sort of official recognized academy rather than a correspondence school?"

Senator Walgren: "Yes, I would expect that to be a school that would be approved by existing police agencies, law enforcement agencies."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3059, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senator Durkan, Lewis (Harry)—2.

Excused: Senators Fleming, Guess—2.

ENGROSSED 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. 3117, by Senators Newschwander and Stortini:

Allowing alcoholic beverage service in bowling alleys.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 3117 was substituted for Senate Bill No. 3117 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Newschwander, Substitute Senate Bill No. 3117 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3117,

and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Sellar, Stortini, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—35.

Voting nay: Senators Bottiger, Jolly, Lewis (R. H. "Bob"), Marsh, Metcalf, Peterson (Ted), Scott, Talley, von Reichbauer—9.

Absent or not voting: Senators Durkan, Mardesich—2.

Excused: Senators Fleming, Guess—2.

SUBSTITUTE SENATE BILL NO. 3117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 2977, by Senators Guess, Washington, Walgren and Whetzel: Regulating discharge of air contaminants from motor vehicles.

The time having arrived, the Senate commenced consideration of Senate Bill No. 2977.

REPORT OF STANDING COMMITTEE

January 23, 1974.

SENATE BILL NO. 2977, regulating the discharge of air contaminants from motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, section 1, after "vehicle" and before "shall" insert "*operated on the highway*".

On page 1, line 9, section 1, strike "muffler" and insert "[muffler] *muffling system*".

On page 1, line 10, section 1, after "muffler" strike the comma.

On page 2, following line 17, section 1, insert a new subsection as follows: "(iii) *Visible air contaminant*" means an emission of solid particles or liquid droplets other than water vapor including but not limited to smoke, carbon, or oil which can be seen by the unaided human eye."

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Talley, Wanamaker, Washington.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were adopted.

On motion of Senator Washington, Engrossed Senate Bill No. 2977 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2977, and the bill failed to pass the Senate by the following vote: Yeas, 14; nays, 27; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Bottiger, Connor, Francis, Jones, Keefe, Marsh, Metcalf, Murray, Peterson (Ted), Sandison, Scott, Walgren, Whetzel—14.

Voting nay: Senators Atwood, Canfield, Clarke, Donohue, Dore, Grant, Greive, Herr, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Woodall, Woody—27.

Absent or not voting: Senators Day, Durkan, Henry, Lewis (Harry), Mardesich—5.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 2977, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Washington served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2977 failed to pass the Senate.

POINT OF ORDER

Senator Peterson (Lowell): "Are we not on a cutoff deadline at five o'clock tonight on bills, and is it proper at this time to reconsider a measure today on tomorrow's calendar?"

RULING BY THE PRESIDENT

The President: "Senator Peterson, in reply to your question, the President believes that this measure, Senate Bill 2977 does not fall within the provisions of the Concurrent Resolution and if the Senate wishes to act upon it to reconsider the vote it would have to be done before five p.m. today. It does not fall within the exemptions."

REMARKS BY SENATOR LOWELL PETERSON

Senator Peterson (Lowell): "Then I interpret your reply to mean that this bill cannot be considered tomorrow, it would have to be considered today."

REPLY BY THE PRESIDENT

The President: "It cannot be reconsidered tomorrow."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Dore moved that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 2977 failed to pass the Senate.

MOTION

Senator Whetzel moved that the motion for reconsideration by Senator Dore be made a special order of business for 4:59 p.m. today.

Debate ensued.

The motion by Senator Whetzel failed on a voice vote.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Dore to immediately reconsider the vote by which Engrossed Senate Bill No. 2977 failed to pass the Senate.

The motion for reconsideration by Senator Dore failed on a rising vote.

SECOND READING

SENATE BILL NO. 3026, by Senators Talley and Peterson (Lowell):

Mandating transporting of students to school in grades kindergarten through grade eight during daylight hours.

MOTIONS

On motion of Senator Peterson (Lowell), Substitute Senate Bill No. 3026 was substituted for Senate Bill No. 3026, and the substitute bill was placed on second reading and read the second time in full.

Senator Peterson (Lowell) moved adoption of the following amendment:

On page 1, line 18, section 1, after "may" strike all the matter down to and including "schedule" and insert "establish criteria to allow school districts to be exempt from the provisions of this section".

Debate ensued.

The motion by Senator Peterson (Lowell) carried and the amendment was adopted.

On motion of Senator Bottiger, the following amendments were adopted:

On page 1, section 1, line 21, after "schedule" and before the period insert "PROVIDED, HOWEVER, That this section shall not apply to a school district which because of a levy failure has been required to double shift its school day".

On page 1, following the preceding amendment, after "day" insert the following: "PROVIDED FURTHER, That this section shall not apply to those school districts in which the students utilize public transportation systems".

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

On page 1, section 1, line 21, add a paragraph to read:

"The board of directors of any school district may by regulation provide for class schedules and transportation schedules which will eliminate the necessity of bus transportation during hours of darkness".

On motion of Senator Peterson (Lowell), Engrossed Substitute Senate Bill No. 3026 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3026, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 24; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Canfield, Connor, Day, Dore, Francis, Grant, Henry, Herr, Keefe, Knoblauch, Marsh, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Talley, von Reichbauer, Walgren—20.

Voting nay: Senators Atwood, Bottiger, Clarke, Donohue, Greive, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Metcalf, Murray, Newschwander, Ridder, Scott, Sellar, Stortini, Twigg, Van Hollebeke, Wanamaker, Washington, Whetzel, Woody—24.

Absent or not voting: Senators Durkan, Woodall—2.

Excused: Senators Fleming, Guess—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3026, having failed to receive the constitutional majority, was declared lost.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 3116, by Senators Walgren and Peterson (Lowell):

Making changes in the laws relating to commercial herring licenses.

The time having arrived, the Senate resumed consideration of Senate Bill No. 3116. An amendment by Senator Metcalf to page 1, section 1, line 20 was adopted previously today. An amendment by Senator Mardesich to page 1, section 1, line 11 was moved for adoption previously today.

Debate ensued.

Senator Rasmussen moved adoption of the following amendment to the amendment by Senator Mardesich:

Amend the Mardesich amendment to page 1, line 11, as follows:

After "15," strike "1973" and insert "[1973] 1974".

Debate ensued.

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

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

On motion of Senator Peterson (Lowell), Engrossed Senate Bill No. 3116 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3116, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—40.

Voting nay: Senator Greive—1.

Absent or not voting: Senators Atwood, Durkan, Henry, Lewis (Harry), Matson—5.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 3116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3351, by Senator Day:

Changing law relating to state and local aid to disabled persons, including mentally or physically deficient persons.

REPORT OF STANDING COMMITTEE

January 29, 1974.

SENATE BILL NO. 3351, changing law relating to state and local aid to disabled persons, including mentally or physically deficient persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. There is added to chapter 71.20 RCW a new section to read as follows:

In order for the community board to coordinate and provide required services for the mentally retarded and other developmentally disabled persons pursuant to this amendatory act, it shall be eligible to obtain such confidential information from public and/or private schools and the department of social and health services as is necessary to accomplish the purposes of this amendatory act. Such information will be kept in accordance with state law and such rules and regulations promulgated by the secretary of the department of social and health services under chapter 34.04 RCW to permit the use of such information to coordinate and plan such services; all persons permitted access to or the use of such information must sign an oath of confidentiality, substantially as follows:

"As a condition of obtaining information from (fill in facility, agency, or person) I,, agree not to divulge, publish or otherwise make known to unauthorized persons or the public any information obtained in the course of using such confidential information, where release of such information may possibly make the person who received such services identifiable. I recognize that unauthorized release of confidential information may subject me to civil liability under provisions of state law."

NEW SECTION. Sec. 2. There is added to chapter 71.20 RCW a new section to read as follows:

Persons "developmentally disabled" as used in this amendatory act are those persons having a "developmental disability" as defined in Public Law 91-517 [42 USCA 2691 (1)] as now or hereafter amended.

Sec. 3. Section 4, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.040 are each amended to read as follows:

The county commissioners of any county or the boards of county commissioners of more than one county by joint action, are authorized to appoint a community board to [coordinate all of the local mental retardation services within the county or counties to provide a continuum of care and services to mentally retarded persons and their families] *plan services for the mentally retarded and other developmentally disabled, to provide directly or indirectly a continuum of care and services to mentally retarded and other developmentally disabled persons and their families, and to coordinate all of the local mental retardation and developmental disability services within the county or counties served by such community board.* Members to be appointed to the board shall include but not be limited to representatives of public, private or voluntary agencies, and local governmental units which participate in a program for mentally retarded *and other developmentally disabled* persons, and private citizens knowledgeable or interested in services to the mentally retarded *and other developmentally disabled* in the community.

The board shall consist of not less than nine nor more than fifteen members who shall be appointed by the board or boards of county commissioners for three year terms, and until their successors are appointed and qualified. The members of the community board shall not be compensated for the performance of their duties as members of the community board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Sec. 4. Section 5, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.050 are each amended to read as follows:

The governor is authorized to designate a state department as the agency to work with the county commissioners and the community boards appointed by the commissioners to coordinate *and provide* local services for the mentally retarded *and other developmentally disabled* and their families. The department is authorized to promulgate rules and regulations establishing the eligibility of each community board for state funds to be used for the work of the board in coordinating *and providing* services to the mentally retarded *and other developmentally disabled* and their families. The application for state funds shall be made by the community board with the approval of the county commissioners or by the county commissioners on behalf of the community board.

Sec. 5. Section 6, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.060 are each amended to read as follows:

The state agency designated by the governor pursuant to RCW 71.20.050 *as now or hereafter amended* may require by rule and regulation that in order to be eligible for state funds, community boards shall provide the following indirect services to the community:

- (1) Serve as an information and referral agency within the community for mentally retarded *and other developmentally disabled* persons and their families;
- (2) Coordinate all local services for the mentally retarded *and other developmentally disabled* and their families to insure the maximum utilization of all services available;
- (3) Make comprehensive plans for present and future development and reasonable progress toward development of comprehensive plans for the coordination of all local services to the mentally retarded *and other developmentally disabled*.

[No community board shall provide services or operate any other programs for the benefit of the mentally retarded except as provided in this section.]

Sec. 6. Section 7, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.070 are each amended to read as follows:

Community mental retardation *and other developmental disability* programs which may be provided directly by community boards authorized by RCW 71.20.040 *as now or hereafter amended pursuant to rules and regulations adopted by the secretary of the department of social and health services* may consist of any or all of the following services:

- (1) Diagnostic and evaluation services of mentally retarded *and other developmentally disabled* persons;
- (2) Medical and dental services for those mentally retarded *and other developmentally disabled* individuals unable to obtain private care;
- (3) Psychiatric services of those mentally retarded *and other developmentally disabled*

unable to obtain private care in cooperation with any existing community mental health program;

(4) Group *training homes* providing full or part time care, support and maintenance for mentally retarded and *other developmentally disabled persons*: *PROVIDED, That nothing contained in this amendatory act shall be construed so as to prevent or limit state funding of group training homes or group homes pursuant to chapter 72.33 RCW, as now or hereafter amended;*

(5) Facilities for vocational training and education of mentally retarded and *other developmentally disabled persons*;

(6) Day care centers for mentally retarded and *other developmentally disabled persons*;

(7) Informational service to the general public and educational services furnished by qualified personnel to schools, courts, health and welfare agencies and other appropriate public or private agencies or groups;

(8) Consultant services to public or private agencies for the promotion and coordination of services to the mentally retarded and *other developmentally disabled*;

(9) *Family counseling services to families with mentally retarded and other developmentally disabled children*;

(10) *Recreation programs for mentally retarded and other developmentally disabled persons*;

(11) *Transportation services for the mentally retarded and other developmentally disabled persons*;

(12) *Legal services for the mentally retarded and other developmentally disabled persons and their families for aiding and insuring services to the mentally retarded or other developmentally disabled persons*;

(13) *Home care services for the mentally retarded and other developmentally disabled persons*;

(14) *Any other services or facilities necessary to provide a continuum of care for the mentally retarded and other developmentally disabled persons.*

Sec. 7. Section 9, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.090 are each amended to read as follows:

A community board provided for in RCW 71.20.040 *as now or hereafter amended* is authorized to receive and spend funds received from the state under this chapter, or any federal funds received through any state agency, or any gifts or donations received by it for the benefit of the mentally retarded or *other developmentally disabled persons*.

Sec. 8. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 85, chapter 195, Laws of 1973 1st ex. sess. and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation and *other developmental disability* services and to provide community mental retardation, *other developmental disability*, or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property in the county to be used for such purposes: *PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation, other developmental disability, and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.16, 71.20, 71.24, and 71.28 RCW, all as now or hereafter amended.*

Sec. 9. Section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800 are each amended to read as follows:

The [director] *secretary* of the department of [institutions] *social and health services* is hereby authorized to enter into agreements with any person, or with any person,

corporation or association operating a day training center or group training home or a combination thereof approved by the department, for the payment of all, or a portion of the cost of the care, *treatment*, maintenance, support and training of mentally [or physically deficient persons acceptable for admission to a state residential school as hereinafter provided, which agreements shall constitute agreements relating to state operated activities] *retarded or other developmentally disabled persons*.

For the purpose of RCW 72.33.800 through 72.33.820, *as now or hereafter amended*, the terms "day training center" and "group training home" shall have the following meanings:

(1) "Day training center" shall mean a facility equipped, supervised, managed and operated at least three days per week by any person, association or corporation on a nonprofit basis for the day-care, *treatment*, training and maintenance of mentally *retarded* or [physically deficient] *other developmentally disabled* persons [acceptable for admission to state residential schools], and approved in accordance with RCW 72.33.800 through 72.33.820, *as now or hereafter amended*, and the standards of the department of [institutions] *social and health services* as set forth in the rules and regulations [to be] promulgated by the [director] *secretary*.

(2) "Group training home" shall mean a facility equipped, supervised, managed and operated on a full time basis by any person, association or corporation on a nonprofit basis for the full time care, *treatment*, training and maintenance of mentally *retarded* or [physically deficient] *other developmentally disabled* persons [acceptable for admission to a state residential school], and approved in accordance with RCW 72.33.800 through 72.33.820, *as now or hereafter amended*, and the standards of the department of [institutions] *social and health services* as set forth in rules and regulations [to be] promulgated by the [director] *secretary*.

Sec. 10. Section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805 are each amended to read as follows:

All payments made by the *secretary of the department of [institutions] social and health services* pursuant to RCW 72.33.800 through 72.33.820, *as now or hereafter amended*, shall be, insofar as possible, supplementary to payments to be made to a day training center or group training home or combination thereof by the parents or guardians of such mentally [or physically deficient] *retarded or other developmentally disabled* persons. Payments made by the [director] *secretary* in accordance with the authority of RCW 72.33.800 through 72.33.820, *as now or hereafter amended*, shall not exceed [one hundred twenty-five dollars per month] *actual costs* for the care, *treatment*, support, maintenance and training of any mentally [or physically deficient] *retarded or developmentally disabled* person whether at a day training center or group training home or combination thereof or otherwise.

Sec. 11. Section 3, chapter 251, Laws of 1961 and RCW 72.33.810 are each amended to read as follows:

Any person, corporation, or association may make application to the [director] *secretary of the department of [institutions] social and health services* for approval and certification of the applicant's facility as a day training center, or a group training home for mentally [or physically deficient] *retarded or developmentally disabled* persons or a combination of both. The [director] *secretary* may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, *treatment*, maintenance, training and support of mentally [or physically deficient] *retarded or developmentally disabled* persons, in accordance with standards as set forth in rules and regulations [to be] promulgated by the [director] *secretary*.

Sec. 12. Section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815 are each amended to read as follows:

The parent or guardian of a [mentally or physically deficient] *retarded or developmentally disabled* person [acceptable for admission to a state residential school,] may make application to the [director] *secretary of [institutions] social and health services* for the payment of all, or a portion of, the monthly cost of care, *treatment*, maintenance, support and training of such mentally [deficient] *retarded or developmentally disabled*

person, whether in a day training center or a group training home or a combination thereof or otherwise, approved by the department [: PROVIDED, That such costs shall not exceed one hundred twenty-five dollars per month]. The [director] *secretary*, after investigation, may accept or reject the application, and, if accepted, shall determine the extent and type of care and training and the amount which the department will pay, [not to exceed one hundred twenty-five dollars per month,] based upon the needs of such mentally [or physically deficient] *retarded or developmentally disabled* person and the ability of the parent or the guardian to pay, or contribute to the payment of the monthly cost of such care and training. The [director] *secretary*, may, upon application of such parent or guardian, after investigation of the ability or inability of such persons to pay, or without application being made, modify the amount of the monthly payments to be paid by the department of [institutions] *social and health services* for the care and training of such mentally [or physically deficient] *retarded or developmentally disabled* persons whether at a day training center or group training home or combination thereof or otherwise.

NEW SECTION. Sec. 13. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Strike all of the title and insert the following:

"AN ACT Relating to persons with health problems and designated as mentally retarded or developmentally disabled, or both; amending section 4, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.040; amending section 5, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.050; amending section 6, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.060; amending section 7, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.070; amending section 9, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.090; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 85, chapter 195, Laws of 1973 1st ex. sess. and RCW 71.20.110; amending section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800; amending section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805; amending section 3, chapter 251, Laws of 1961 and RCW 72.33.810; amending section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815; and adding new sections to chapter 71.20 RCW."

Signed by: Senators Day, Chairman; Clarke, Connor, Francis, Jones, Murray, Ridder, von Reichbauer.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

On motion of Senator Jones, the following amendments to the committee amendment were adopted:

On page 5, section 6, line 9 of the committee amendment, after "*person*" and before the semicolon insert "*unable to obtain private legal services*".

On page 5, section 6, line 14, after "*persons*" and before the period insert "*not otherwise available*".

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

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, Engrossed Senate Bill No. 3351 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3351, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini,

Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—43.

Absent or not voting: Senators Durkan, Lewis (Harry), Woodall—3.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 3351, having received the constitutional majority, was declared passed. 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 Rasmussen, Woody, von Reichbauer, Ridder, Knoblauch and Walgren:

Including nursing home employees within the minimum wage act.

REPORT OF STANDING COMMITTEE

January 26, 1974.

SENATE BILL NO. 3235, including nursing home employees within the minimum wage act (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 29, section 1, after "(i)" strike all of the material down to and including "(j)" on line 32 and insert "[Any individual employed by the state, any county, city, or town, municipal corporation or quasi-municipal corporation, political subdivision, or any instrumentality thereof;

(j)]"

On page 3, beginning on line 5, section 1, strike all of the material down to and including "(1)" and insert "[(k) Any individual engaged in performing service in a hospital licensed pursuant to chapter 70.41 or chapter 71.12 RCW;

(1)] (j)".

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Sellar, Woody.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted.

Senator Grant moved adoption of the following amendment:

On page 2, section 1, line 24, strike all the material on line 24.

POINT OF INQUIRY

Senator Woody: "Would Senator Grant yield? 'Any newspaper vendor or carrier', and I realize this is the minimum wage act and I realize that there is an age problem here. I peddled papers for the Everett Herald since I was twelve years old until I discovered how to work for a gas station. Whom are we including if you strike that out?"

Senator Grant: "Senator Woody, under our state minimum wage act the juveniles that you are thinking of who deliver papers from door to door are excluded anyway. Under eighteen they are excluded. I think that some of you perhaps thought I was trying to put one over, but I want to assure you I was not. The minimum wage act in this state applies to people who reach their majority, as far as I know, and the newspaper carriers and vendors I sincerely believe should be covered under this act. Now that is a person who gets in his car and goes from one house to the next and delivers papers. He is entitled to the same consideration under the minimum wage act as anybody else as far as I am concerned."

Senator Woody: "Speaking against this, I can see one area that it would include. In Seattle, for example, there are a lot of fellows who have got themselves out of the mission home, kicked the booze habit and have now got a little newsstand on the corner. They would have to be covered by the minimum wage act then?"

Senator Grant: "That is correct, Senator Woody. If they are working as newspaper vendors or carriers I think they are entitled to the same consideration under the act as anybody else. I should remind you that this only sets a minimum and if any of these firms want to pay in excess of that, there is nothing that prohibits them from doing so."

POINT OF INQUIRY

Senator Odegaard: "Senator Grant, I thought that the carriers and vendors usually are not on an hourly basis but on the amount that they carry and the mileage that they run and that kind of thing."

Senator Grant: "That is true, Senator Odegaard, and again let me stress to you that all this does is set a minimum, that this exemption does not prohibit the payment in that way to vendors and carriers. It only says that they must be paid an amount, the minimum amount they can be paid is an amount equivalent to a dollar eighty an hour in this state. You can still contract with your vendors and carriers and if it amounts to more than that, then this does not apply."

Further debate ensued.

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

Senator Francis moved adoption of the following amendment by Senators Ridder, von Reichbauer and Murray:

On page 3, following section 1, add the following new sections:

NEW SECTION. Sec. 2. There is added to chapter 18.51 RCW a new section to read as follows:

It is the intent of the legislature in enacting this 1974 amendatory act to establish (1) a citation system for the imposition of prompt and effective civil sanctions against nursing homes in violation of the laws and regulations of this state relating to patient care; (2) an inspection and reporting system to insure that nursing homes are in compliance with state statutes and regulations pertaining to patient care; and (3) a provisional licensing mechanism to insure that full term licenses are issued only to those nursing homes that meet state standards relating to patient care.

NEW SECTION. Sec. 3. There is added to chapter 18.51 RCW a new section to read as follows:

Any person may request an inspection of any nursing home subject to licensing under this chapter in accordance with the provisions of this chapter by giving notice to the department of an alleged violation of applicable requirements of state law. Any such notice shall be in writing signed by the complainant and shall set forth with reasonable particularity the matters complained of. The substance of the complaint shall be provided to the licensee no earlier than at the commencement of the inspection. Neither the substance of the complaint provided the licensee nor any copy of the complaint or record published, released, or otherwise made available to the licensee shall disclose the name of any individual complainant or other person mentioned in the complaint, except the name or names of any duly authorized officer, employee, or agent of the department conducting the investigation or inspection pursuant to this chapter, unless such complainant specifically requests the release of such name or names.

NEW SECTION. Sec. 4. There is added to chapter 18.51 RCW a new section to read as follows:

Upon receipt of a complaint, the department shall assign an inspector to make a preliminary review of the complaint and shall notify the complainant of the name of such inspector. Unless the department determines that the complaint is wilfully intended to harass a licensee or is without any reasonable basis, it shall make an on-site inspection within ten days of the receipt of the complaint. In either event, the complainant shall be promptly informed of the department's proposed course of action. If the complainant requests the opportunity to do so, the complainant or his representative, or both, may be allowed to accompany the inspector to the site of the alleged violations during his tour of the facility, unless the inspector determines that the privacy of any patient would be violated thereby.

NEW SECTION. Sec. 5. There is added to chapter 18.51 RCW a new section to read as follows:

(1) Any duly authorized officer, employee, or agent of the department may enter and inspect any nursing home, including, but not limited to, interviewing residents and reviewing records, at any time to enforce any provision of this chapter. Inspections conducted pursuant to complaints filed with the department shall be conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection

conducted pursuant to this chapter unless previously and specifically authorized by the director or required by federal law.

(2) Any public employee giving such advance notice in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

NEW SECTION. Sec. 6. There is added to chapter 18.51 RCW a new section to read as follows:

If upon inspection or investigation the director determines that a nursing home is in violation of any statutory provision or rule or regulation relating to the operation or maintenance of such facility he shall promptly, but not later than one day after the date of inspection, issue a citation to the licensee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, rule or regulation alleged to have been violated. The citation shall fix the earliest feasible time for the elimination of the condition constituting the violation, where appropriate. The citation shall inform the licensee that, in lieu of a court hearing to set a penalty between the minimum and maximum amounts specified in section 7 of this 1974 act, the licensee may send to the director the minimum amount prescribed by law for each violation, which shall be specified on the citation. The citation shall be served upon the licensee in accordance with the manner specified by law for service of summons in civil cases in superior court. A copy of the citation shall be sent to each complainant.

NEW SECTION. Sec. 7. There is added to chapter 18.51 RCW a new section to read as follows:

Each citation for a violation specified in subsection (1) or (2) of section 7 of this 1974 act which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days. The citation or copy shall be posted in a place or places in plain view of the patients in the nursing home, persons visiting those patients, and persons who inquire about placement in the facility.

NEW SECTION. Sec. 8. There is added to chapter 18.51 RCW a new section to read as follows:

Citations issued pursuant to this chapter shall be classified according to the nature of the violation and shall indicate the classification on the face thereof, as follows:

(1) Class "A" violations are violations which the department determines present an imminent danger to the patients or guests of the nursing home and a substantial probability that death or serious physical harm would result therefrom. A physical condition or one or more practices, means, methods, or operations in use in a nursing home may constitute such a violation. The condition or practice constituting a class "A" violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the department, is required for correction. A class "A" violation is subject to a civil penalty in an amount not less than one thousand dollars and not exceeding five thousand dollars for each and every violation.

(2) Class "B" violations are violations which the department determines have a direct or immediate relationship to the health, safety, or security of nursing home patients, other than class "A" violations. A class "B" violation is subject to a civil penalty in an amount not less than fifty dollars and not exceeding two hundred fifty dollars for each and every violation. A citation for class "B" violations shall specify the time within which the violation is required to be corrected. If a class "B" violation is corrected within the time specified, no civil penalty shall be imposed.

The amount of the civil penalty assessed for each count of violation shall be based upon the nature of the violation and the seriousness of the effect of such violation upon effectuation of the purposes and provisions of this chapter.

Civil actions to recover civil penalties authorized by the provisions of this chapter shall be brought in the name of the state of Washington by the attorney general.

NEW SECTION. Sec. 9. There is added to chapter 18.51 RCW a new section to read as follows:

After consultation with the advisory nursing home council, but not later than

September 30, 1974 the director shall publish proposed regulations setting forth the criteria and, where feasible, the specific acts that constitute class "A" and "B" violations under this chapter. Not later than December 31, 1974 the director shall adopt regulations setting forth criteria and, where feasible, specific acts constituting class "A" and "B" violations.

The director shall also prescribe procedures for the issuance of a notice of violation with respect to violations having only a minimal relationship to safety or health.

NEW SECTION. Sec. 10. There is added to chapter 18.51 RCW a new section to read as follows:

(1) If the licensee desires to contest the existence of the factual basis upon which a citation for a violation is founded, he may within four business days of the issuance of the citation request an informal conference with the designee of the director. The director's designee shall then within four days from the receipt of the request hold an informal conference, at the conclusion of which he may affirm, modify, or dismiss the citation in accordance with his findings with respect to the factual basis of the citation. If the director's designee modifies or dismisses the citation, he shall state in writing his reasons for such action, and shall immediately transmit a copy thereof to each party to the original complaint.

A licensee desiring to contest further a citation for a class "A" or "B" citation or the proposed assessment of a civil penalty, shall notify the director in writing within four business days after the issuance of the original citation or within four business days after the receipt of the decision of the designee of the director, as provided in this subdivision, whichever is later. If the licensee fails to notify the director that he intends to contest the citation within the time specified in this subdivision, the citation and the minimum civil penalty prescribed for such violation pursuant to section 7 of this 1974 act, shall be deemed a final order of the department and shall not be subject to further administrative review, nor shall it be subject to judicial review, except as provided in RCW 34.04.130 and 34.04.140.

(2) Where a licensee has failed to correct a violation within the time specified in the citation, the department shall assess the licensee a civil penalty in the amount of fifty dollars for each day that such deficiency continues beyond the date specified for correction.

(3) If a licensee notifies the director that he intends to contest a citation, the director shall immediately notify the attorney general. Upon such notification, the attorney general shall promptly take all appropriate action to enforce the citation and recover the civil penalty prescribed thereon, and shall take such other action as he shall deem appropriate, in the superior court of the county in which the nursing home is located.

(4) The civil penalties authorized by this chapter shall be trebled for a second or subsequent violation for which a citation is issued during any twelve-month period.

(5) Actions brought under the provisions of this chapter shall be set for trial at the earliest possible date and shall take precedence on the court calendar over all other cases except matters to which equal or superior precedence is specifically granted by law. The times for responsive pleadings and for hearings in any such proceedings shall be set by the judge of the court with the object of securing a decision as to such matters at the earliest possible time.

NEW SECTION. Sec. 11. There is added to chapter 18.51 RCW a new section to read as follows:

(1) In addition to any other remedy provided by law, any licensee who commits a class "A" or "B" violation may be enjoined from permitting the violation to continue and may be sued for civil damage.

(2) Any person who has notified the attorney general in writing that there is reason to believe a provision of this chapter is being or has been violated may himself bring, in the name of the state, any of the actions authorized under this chapter, if the attorney general has failed to commence an action hereunder within thirty days after such notice. If the person bringing such an action prevails, he shall be entitled to one-half of any judgment awarded, and to costs and attorney fees actually incurred: PROVIDED, That if the action is dismissed and the court finds that it was brought without reasonable cause, the court may order the person commencing the action to pay costs and attorney fees actually incurred by the defendant.

NEW SECTION. Sec. 12. There is added to chapter 18.51 RCW a new section to read as follows:

It is unlawful for any person to do any of the following:

(1) Wilfully prevent, interfere with, or attempt to impede in any way the work of any duly authorized representative of the department in the lawful enforcement of any provision of this chapter.

(2) Wilfully prevent or attempt to prevent any such representative from examining any books or records in the conduct of his official duties under this chapter.

(3) Wilfully prevent or interfere with any such representative in the preserving of evidence of any violation of any of the provisions of this chapter or of the rules and regulations promulgated under this chapter.

NEW SECTION. Sec. 13. There is added to chapter 18.51 RCW a new section to read as follows:

(1) No licensee shall discriminate or retaliate in any manner against a patient or employee in its nursing home on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of no more than five hundred dollars.

(2) Any attempt to expel a patient from a nursing home, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

NEW SECTION. Sec. 14. There is added to chapter 18.51 RCW a new section to read as follows:

The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

NEW SECTION. Sec. 15. There is added to chapter 18.51 RCW a new section to read as follows:

Any writing received, owned, used, or retained by the department in connection with the provisions of this chapter is a public record and, as such, is open to public inspection. However, the names of any persons contained in such records, except the names of duly authorized officers, employees, or agents of the department conducting an investigation or inspection in response to a complaint filed pursuant to this chapter, shall not be open to public inspection and copies of such records provided for public inspection shall have such names deleted.

NEW SECTION. Sec. 16. There is added to chapter 18.51 RCW a new section to read as follows:

The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to section 2 of this 1974 act, conduct at least one general inspection in every six-month period of all nursing homes in the state without providing advance notice of such inspection. At least one such inspection in any twelve-month period shall take place between the hours of 7 p.m. and 5 a.m. or on weekends.

NEW SECTION. Sec. 17. There is added to chapter 18.51 RCW a new section to read as follows:

On or before February 1st of each year, the department shall notify all public agencies which refer patients to nursing homes of all of the nursing homes in the area found upon inspection within the previous twelve-month period to be without class "A" or "B" violations. Public agencies shall give priority to such nursing homes in referring publicly assisted patients. No public agency shall refer patients to nursing homes with any uncorrected class "A" violations or five or more uncorrected class "B" violations, except those nursing homes which the director may exempt because of a lack of facilities of the same type in the area sufficient to satisfy the demand for services provided by such type of facilities.

NEW SECTION. Sec. 18. There is added to chapter 18.51 RCW a new section to read as follows:

The department shall annually publish a report listing all licensees by name and address, indicating (1) the number of citations and the nature of each citation issued to each licensee during the previous twelve-month period and the status of any action taken pursuant to each citation, including penalties assessed, and (2) the nature and status of action taken with respect to each uncorrected violation for which a citation is outstanding.

The report shall be available to the public, at cost, at all offices of the department.

NEW SECTION. Sec. 19. There is added to chapter 18.51 RCW a new section to read as follows:

If a nursing home has not been previously licensed pursuant to this chapter, the department may only provisionally license such facility as provided in this section. A provisional license to operate a nursing home shall terminate six months from the date of issuance. Within thirty days of the termination of a provisional license, the department shall give such facility a full and complete inspection, and, if the facility meets all applicable requirements for licensure, a regular license shall be issued. If the nursing home does not meet the requirements for licensure but has made substantial progress towards meeting such requirements, as determined by the department, the initial provisional license shall be renewed for six months. If the department determines that there has not been substantial progress towards meeting licensure requirements at the time of the first full inspection provided by this section, or, if the state department determines upon its inspection made within thirty days of the termination of a renewed provisional license that there is lack of full compliance with such requirements, no further license shall be issued.

(2) A nursing home seeking renewal of a license may, in the discretion of the department, be granted a provisional license under this section instead of a regular license, where there has been a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto.

Sec. 20. Section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 247, Laws of 1971 ex. sess. and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department, or the department and the approved health department jointly, shall issue a license or a provisional license if the applicant and the nursing home facilities meet the requirements established under this chapter. At the time of issuance or renewal of the license or provisional license the licensee shall pay a license fee of fifteen dollars plus one dollar per bed capacity per year, but in no event shall the total exceed one hundred dollars. No fee shall be required of government operated institutions. When the license or provisional license is issued jointly by the department and an approved health department, the license fee shall be paid to the approved health department. All licenses issued under the provisions of this chapter shall expire on a date to be set by the board, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed nursing home is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

[If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department, or the department and approved health department, may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the nursing home for a period to be determined by the department, or the department and approved health department, but not to exceed twelve months.]

NEW SECTION. Sec. 21. The following acts or parts of acts are each hereby repealed:

(1) Section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953 and RCW 18.51.090;

(2) Section 13, chapter 117, Laws of 1951, section 7, chapter 160, Laws of 1953 and RCW 18.51.120; and

(3) Section 14, chapter 117, Laws of 1951, section 8, chapter 160, Laws of 1953 and RCW 18.51.130.

NEW SECTION. Sec. 22. Implementation of this 1974 Amendatory Act shall be contingent upon adoption of a Cost-Related Reimbursement System by the Department of Social and Health Services, to assure ability to comply with standards."

POINT OF ORDER

Senator Day: "You may speak to the point of order, Senator Francis, but the point of order is that this broadens and enlarges the scope and object of the bill."

REMARKS BY SENATOR FRANCIS

Senator Francis: "I had assumed that Senator Day would raise that. He is a good scrapper, Mr. President. I think I should point out several things. Since this requires that money be paid to employees of nursing homes and of course it is going to require that money come out of the taxpayer's pocket to do it, this amendment, I think, is related very much to it. It provides for cost accounting. It provides for inspections. It provides for citations if they do not comply with standards, all of which relates to how much money we are paying the nursing homes and is very much related to the question of whether or not we should be paying them more for meeting the minimum wage requirements for their employees. I think it is well within the scope and object and gets at the thing that I think we are trying to get at for both involved and that is to meet the needs of the patients. I might even add one last thing and that is when all of the employees came down and besieged each and every one of us with their requests for more money, I talked to them and they were brought down at the expense of their employers, but I talked to them about this bill, which gives them the opportunity to report violations without being in trouble with their employer for it and which provides for the needs of patients and every one of them that I talked to, which was about twelve of them, agreed it is a good bill. I think it is related and it is within the scope and object."

RULING BY THE PRESIDENT

The President: "In ruling upon the point of order as presented by Senator Day, the President finds that Senate Bill No. 3235 is a measure which makes the minimum wage laws applicable to nursing home employees. The amendment proposed by Senator Francis, Senator Ridder, Senator von Reichbauer and Senator Murray is a twenty-two section amendment which embodies a comprehensive nursing home regulatory act relating to citation systems, inspection and reporting systems, patient care guidelines and licensing mechanism. The amendment therefore does enlarge the scope and object of the bill."

The amendment by Senator Francis, Ridder, von Reichbauer and Murray was ruled out of order.

On motion of Senator Day, Engrossed 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 Day: "Will Senator Rasmussen yield? Senator, when does this bill go into effect?"

Senator Rasmussen: "It will go into effect within ninety days."

Senator Day: "The last word we had from the new director was that he was not going to pay any increase in food costs or anything else until the first of July. How is it going to be funded?"

Senator Rasmussen: "I presume it would be funded like it always is, out of the profits."

Senator Day: "I just want to serve notice that when the budget flies by here I am going to put an amendment on there to see that it is."

Senator Rasmussen: "I think that you will find it will be taken care of in the budget, Senator Day."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3235, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—42.

Voting nay: Senator Murray—1.

Absent or not voting: Senators Durkan, Lewis (Harry), Wanamaker—3.

Excused: Senators Fleming, Guess—2.

ENGROSSED SENATE BILL NO. 3235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Connor, Engrossed Senate Bill No. 3235 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 3192.

SECOND READING

SENATE BILL NO. 3192, by Senators Donohue, Mardesich, Sandison, Walgren, Day, Guess and Washington:

Providing for review of agency rules by the legislature.

REPORT OF STANDING COMMITTEE

January 28, 1974.

SENATE BILL NO. 3192, providing for review of agency rules by the legislature (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, section 1, before "*pursuant*" strike "*approval*" and insert "*approved*".

On page 2, line 14, section 2, after "*act*" strike all of the material down to and including "*committees*" on line 15.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were adopted.

Senator Donohue moved adoption of the following amendment:

On page 2, section 2, line 16, after "*approval*" and before the period insert "*PROVIDED, HOWEVER, That if the appropriate committee of the senate and house of*

representatives or joint committee has failed to approve a rule or agency regulation submitted to it within thirty days after such submission the code reviser may file such rule or regulation if the attorney representing the agency involved files an affidavit of non-action by the appropriate committee of the senate or house stating that no action was taken within the thirty-day period specified herein”.

PARLIAMENTARY INQUIRY

Senator Whetzel: “Would this bill, Senate Bill No. 3192, remain alive after the five o'clock cutoff since it deals with legislative reform?”

REPLY BY THE PRESIDENT

The President: “The President believes that it would, Senator.”

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 3192, together with adopted committee amendments and the amendment moved for adoption by Senator Donohue to page 2, section 2, line 16, was ordered to hold its place on the second reading calendar for Friday, February 1, 1974.

On motion of Senator Knoblauch, the Senate commenced consideration of Senate Bill No. 3360.

SECOND READING

SENATE BILL NO. 3360, by Senator Knoblauch:
Enacting the boating safety, regulation, and registration act of 1974.

MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 3360 was substituted for Senate Bill No. 3360, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, Substitute Senate Bill No. 3360 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senator Marsh moved that Substitute Senate Bill No. 3360 be made a special order of business for later today.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bailey: “Mr. President, would this bill qualify as a revenue measure? It has sufficient revenue in it.”

REMARKS BY SENATOR WOODY

Senator Woody: “Mr. President, this does have an excise tax. It is about a million two to a million and one-half dollars that will be raised by an excise tax. It is in lieu of property tax, if that helps you with your determination.”

REPLY BY THE PRESIDENT

The President: “This could be considered tomorrow.”

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 3360 was ordered placed on the third reading calendar for Friday, February 1, 1974.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 3312.

SECOND READING

SENATE BILL NO. 3312, by Senators Day and Francis:
Revising the law relating to the criminally insane.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 3312 was substituted for Senate Bill No. 3312 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Francis, Substitute Senate Bill No. 3312 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 Mardesich, Substitute Senate Bill No. 3312 was made a special order of business at 4:55 p.m. today on third reading.

SECOND READING

SENATE BILL NO. 3146, by Senators Whetzel, Durkan and Dore:
Providing for art in public buildings.

MOTIONS

On motion of Senator Rasmussen, 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 in full.

Senate Rasmussen moved adoption of the following amendment:

On page 1, line 17, section 2, after "amount of" and before "one" insert "one-half of".
Debate ensued.

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

On motion of Senator Rasmussen, the following amendments were adopted:

On page 2, line 2, section 2, after "art the" and before "one" insert "one-half of".

On page 2, line 12, section 3, after "the" and before ", determine" strike "director of general administration" and insert "state capitol committee".

On page 2, line 19, section 3, after "the" and before the period strike "director of general administration" and insert "state capitol committee".

On page 3, line 6, section 5, after "amount of" and before "one" insert "one-half of".

On page 3, line 27, section 5, after "art the" and before "one" insert "one-half of".

On motion of Senator Rasmussen, Engrossed Substitute Senate Bill No. 3146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3146, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Bottiger, Clarke, Connor, Day, Donohue, Dore, Durkan, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich,

Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—38.

Voting nay: Senators Canfield, Lewis (R. H. "Bob"), Sellar, Twigg—4.

Absent or not voting: Senators Atwood, Francis, Metcalf, Woodall—4.

Excused: Senators Fleming, Guess—2.

ENGROSSED 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 Grant, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 2429.

SECOND READING

SENATE BILL NO. 2429, by Senators Ridder, Grant and Canfield:
Implementing law relating to absentee balloting.

MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2429 was substituted for Senate Bill No. 2429, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Scott, Senator Atwood was excused.

Senator Ridder moved adoption of the following amendments simultaneously:

On page 2, line 17, section 6, after "by" strike "absentee" and insert "[absentee] mail".

On page 2, line 21, section 6, after "by" strike "absentee" and insert "[absentee] mail".

On page 3, line 7, section 8, after "by" strike "absentee" and insert "[absentee] mail".
Debate ensued.

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

Senator Odegaard moved adoption of the following amendment:

On page 2, section 2, line 13, after "hundred" strike "twenty-five".

Debate ensued.

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

On motion of Senator Ridder, Engrossed Substitute Senate Bill No. 2429 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "As a cigar smoker I appreciate the gift. Thank you, Senator Ridder.

"I think that this makes it easier for people who wish to just simply get a ballot and not go to the polls that day to do so and vote at their leisure. Is that correct, Senator Ridder?"

"Ladies and gentlemen, forgive me for using a personal example and I am sure the motives are all very meritorious, but there are some hazards here which I think you should be aware of before you pass this bill. I got my introduction to politics in Chicago, despite the fact I am a native Washingtonian. That is where I was in 1956 and as vice president of the Chicago Jaycees I was put on a joint civic committee on elections, one of one hundred to try to see to it that there were fair and honest elections throughout the county, the city of Chicago. As a poll watcher on the near Westside I had some other interesting experiences and today I am capable of telling you how to steal a paper ballot election. And it is

regressive, not progressive, to go back to paper ballots. Now in this case it is even easier possibly because there is one step removed. The manner in which paper ballot elections can be stolen and in which I witnessed personally some activities, I will not go into great detail, but I will explain to you simply how it is done when there is a ballot involved and you go to the polls.

"First of all, there is a gentleman seated on a park bench some prescribed number of feet away from the polling place. A truckload of 'voters' wheels up. The first voter is the key. He goes into the ballot box, into the voting area and he folds — gets the paper ballot — the judge identifies him as yes he is who he says he is, whether it happens to have been a tombstone or an apartment house that was razed three years ago or whatever as the ballots are cleaned up in four years. . . ."

Senator Dore: "It is very interesting and I do not want to be rude, but I think you have spoken three minutes, Senator."

Senator Lewis (R. H. "Bob"): "No, I have not, sir, because if you have been watching the time, I have one left."

"Okay, quickly, he palms it, takes it out, the person marks it, gives it to the next gentleman who goes in, he puts in, gets the blank, puts it in his pocket, deposits the one that is marked, takes the one back, and a chain is started. It is possible to see here how that there could be undue help given to people in voting and I urge you not to go back to the paper ballot."

PERSONAL PRIVILEGE

Senator Knoblauch: "I wish to, on behalf of the Senate, thank Senator Ridder for making her maiden speech and passing out the cigars; and, Senator Ridder, even though you passed out the cigars, from a bachelor to you, the men's lounge is still the men's lounge."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2429, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—32.

Voting nay: Senators Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Murray, Newschwander, Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—12.

Absent or not voting: Senator Durkan—1.

Excused: Senators Atwood, Fleming, Guess—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2429, having received the constitutional 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 Dore moved that the Senate immediately consider Senate Bill No. 3085.

REPLY BY THE PRESIDENT

The President: "There is a special order of business, Senator Dore. Senate Bill No. 3312 on third reading."

SPECIAL ORDER OF BUSINESS

THIRD READING

SUBSTITUTE SENATE BILL NO. 3312, by Judiciary Committee (originally sponsored by Senators Day and Francis):

Revising the law relating to the criminally insane.

Debate ensued.

The time having arrived, the President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3312.

Further debate ensued.

The Secretary commenced the roll call on Substitute Senate Bill No. 3312.

MOTION

Senator Dore moved that Senate Bill No. 3085 be made a special order of business for 4:59 p.m. today.

The President repeated Senator Dore's motion.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I had the floor and I was interrupted by Senator Dore making a motion. How did we get to this bill?"

POINT OF ORDER

Senator Dore: "A roll call is in progress."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I wonder how we got to the roll call even. . . ."

RULING BY THE PRESIDENT

The President: "You may speak, Senator Rasmussen."

POINT OF INQUIRY

Senator Rasmussen: "I just had a question of Senator Francis, Mr. President. On page 3 of this bill it says that a person cannot be under commitment longer than the charge for which he was committed by reason of insanity and it would seem to me that if a person was acquitted by reason of insanity. . . ."

POINT OF ORDER

Senator Dore: "I rose, I called a point of order, and Senator Rasmussen got the floor when the roll call was in progress at the time."

RULING BY THE PRESIDENT

The President: "Senator Rasmussen, the President ruled that you could continue your remarks."

The Secretary continued with the roll call.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3312, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—40.

Voting nay: Senators Rasmussen, Sellar, Twigg, Woodall—4.

Absent or not voting: Senator Durkan—1.

Excused: Senators Atwood, Fleming, Guess—3.

SUBSTITUTE 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.

PARLIAMENTARY INQUIRY

Senator Dore: "Is a special order of business up now on Senate Bill No. 3085?"

Senator Clarke: "Mr. President, what time is it?"

The President: "I will have to call the United States Naval Observatory to find out."

POINT OF ORDER

Senator Clarke: "I think the point of order with respect to further consideration of the calendar, Mr. President — under the rules this was to cease at five o'clock and we have now reached that order."

POINT OF ORDER

Senator Greive: "I would raise the point of order that we are now functioning on what is called daylight saving time and I would ask the President to rule as to whether or not we do not have one more hour if we properly calculate it?"

REMARKS BY SENATOR DORE

Senator Dore: "Mr. President, to add in supplement to Senator Greive's sage remarks, I would like to recall that we called for a special order of business on Senate Bill No. 3085 at four fifty-nine and apparently you have not ruled that we have reached that time as yet, so I would like to continue with the bill."

REMARKS BY SENATOR SCOTT

Senator Scott: "Mr. President, at the time Senator Dore asked you to make the bill currently the topic of consideration, a special order of business at four fifty-nine, the Senate was still considering Substitute Senate Bill No. 3312. None of us at that time knew when we were going to be finished with the consideration of Substitute Senate Bill No. 3312, and therefore I would think it would be inappropriate for him to ask for the four fifty-nine time. Any one of us could have done that and someone else with a bill still on the calendar could ask for four fifty-nine, fifteen; four fifty-nine thirty, and so forth."

REMARKS BY SENATOR CLARKE

Senator Clarke: "One other point, Mr. President, and I do not believe that you announced that as a special order of business. If the President had so announced, that would be quite a different thing, but I have a very distinct recollection that the record will show that no such announcement was made."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Speaking to the point of order, I thought that I recalled the President saying is there is no objection, the special order would be set."

REMARKS BY SENATOR DORE

Senator Dore: "Responding briefly and agreeing with Senator Rasmussen, that is what the President said. There was no objection at that time. If there had been an objection, of

course, we could have debated it, but I think by not objecting at that time you waived your right to raise the fact that it was raised within a bill."

RULING BY THE PRESIDENT

The President: "Senator Scott did hit on a definite point in the sense that other Senators could have made a similar motion. In fact, Senator Dore, at least one Senator was turned down on that same basis. Therefore, the President must rule that I must comply with the concurrent resolution."

MOTION

On motion of Senator Mardesich the following Senate bill was referred to the Committee on Ways and Means:

SENATE BILL NO. 3085, by Senators Dore, Mardesich, Marsh, Van Hollebeke, von Reichbauer, Connor, Peterson (Lowell), Ridder, Stortini, Keefe and Walgren:
Reducing car insurance rates ten percent during the energy crisis.

MOTIONS

On motion of Senator Rasmussen, the Committee on State Government was relieved of further consideration of Senate Bill No. 3322.

On motion of Senator Rasmussen, Senate Bill No. 3322 was referred to the Committee on Ways and Means.

PERSONAL PRIVILEGE

Senator Dore: "Under personal privilege I would like to make these remarks. Commissioner Herrmann has just advised me that this mandatory ten percent rate reduction would require various hearings and he needs additional appropriation in order to administer the bill, so the bill is now placed on Ways and Means in an effort to get an appropriation so hopefully we can get it out of the committee and on the floor before the end of the session."

PERSONAL PRIVILEGE

Senator Clarke: "My advice was that Commissioner Herrmann very vigorously opposed this particular bill, but that he was handling the situation very competently under the present law, and I would challenge the accuracy of the Senator's statement."

PERSONAL PRIVILEGE

Senator Dore: "I just was told that within the last hour by Mr. Bennett, Commissioner Herrmann's attorney, and I think he wanted one hundred thousand dollars in order to conduct these hearings. As a matter of fact, I have an amendment prepared right on my desk now which I would have added to the bill if I had had an opportunity."

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

REPORT OF STANDING COMMITTEE

January 31, 1974.

SENATE BILL NO. 3367, relating to energy supplies and the cost thereof (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice

Chairman; Bottiger, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Talley, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 31, 1974.

Mr. President; The House has passed;
 SECOND SUBSTITUTE HOUSE BILL NO. 14,
 SUBSTITUTE HOUSE BILL NO. 94,
 HOUSE BILL NO. 493,
 HOUSE BILL NO. 1354,
 HOUSE BILL NO. 1355,
 HOUSE BILL NO. 1356,
 HOUSE BILL NO. 1357,
 HOUSE BILL NO. 1358,
 HOUSE BILL NO. 1359,
 HOUSE BILL NO. 1360,
 HOUSE BILL NO. 1361,
 ENGROSSED HOUSE BILL NO. 1397,
 ENGROSSED HOUSE BILL NO. 1463,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1974.

Mr. President; The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1974.

Mr. President; The Speaker has signed SENATE BILL NO. 3100, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 14, by Committee on Social and Health Services (originally sponsored by Representative Bluechel):

Regulating the practice of acupuncture.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 94, by Committee on State Government (originally sponsored by Representatives Beck, Parker, Bender, Anderson and Ceccarelli):

Providing for veterans' preference in civil service examinations.

Referred to Committee on State Government.

HOUSE BILL NO. 493, by Representatives Knowles and Eikenberry:

Repealing the host-guest statutes.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, by Committee on Labor (originally sponsored by Representatives King, Morrison, Charette, Savage, Beck and Bausch):

Providing for an educational employment relations act.

Referred to Committee on Labor.

HOUSE BILL NO. 1354, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to businesses and professions – code correction.
Referred to Judiciary Committee.

HOUSE BILL NO. 1355, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to pensions of volunteer firemen – code correction.
Referred to Judiciary Committee.

HOUSE BILL NO. 1356, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to department of labor and industries – code correction.
Referred to Judiciary Committee.

HOUSE BILL NO. 1357, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to state highway commission – code correction.
Referred to Judiciary Committee.

HOUSE BILL NO. 1358, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to motor vehicle fuel taxes – code correction.
Referred to Judiciary Committee.

HOUSE BILL NO. 1359, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to domestic relations – code correction.
Referred to Judiciary Committee.

HOUSE BILL NO. 1360, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to industrial insurance – code correction.
Referred to Judiciary Committee.

HOUSE BILL NO. 1361, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to water districts – code correction.
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1397, by Representatives Julin, Knowles and Charette:

Providing for payment of attorney's fees.
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1463, by Representatives Perry, Charnley, Kraabel, Berentson and Hayner (by Superintendent of Public Instruction request):

Authorizing school districts to enter into contracts with other governmental entities to provide for transportation of both students and the public through use of school transportation facilities.

Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, by Committee on Agriculture (originally sponsored by Representatives North (Frances), Nelson, Smith, Hoggins, Ceccarelli and Fortson):

Preventing cruelty to animals.

MOTION

On motion of Senator Bailey, Engrossed Substitute House Bill No. 1469 was advanced to second reading.

MOTION

At 5:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, February 1, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, February 1, 1974.

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 Greive and Woody. There being no objection, Senator Greive was excused.

The Color Guard consisting of Pages Wayde Campbell and Susan Extine presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"OUR FATHER, YOU HAVE GIVEN TO MOST OF US THE ABILITY TO LIVE SERENELY WHEN THE SEAS OF OUR LIVES ARE SMOOTH AND RHYTHMS GENTLE. BUT YOU HAVE CALLED SOME OF US TO LIVES PERPETUALLY IN THE MIDST OF STORM. THE WINDS OF CHANGE, THE FLOODS OF DEMANDS, THE OPPRESSIVE BAROMETRIC PRESSURES OF SPECIAL INTEREST GROUPS, AND THE RELENTLESS HANDS OF THE CLOCK CHASING US TOWARD DEADLINES AND MEETINGS AND ADJOURNMENTS - ALL OF THESE BECOME OPPRESSIVE AT TIMES.

"THANK YOU, O GOD, FOR THIS QUIET MOMENT WHEN WE CAN TURN OUR THOUGHTS TO GENTLER THINGS. WE HAVE BEEN WASHED BY WAVES. LET US NOW BE IN TOUCH WITH THE MORE CONSTANT FORCES OF THE TIDES. PUT US WITHIN REACH OF OUR OWN ROOTS, THAT WE MAY DRAW NOURISHMENT FROM FAMILY TIES, FROM SIMPLE PATRIOTISM, AND FROM THE HUMAN TENDERNESS OF THOSE WHO LOVE US. LET THE REMEMBRANCE OF OUR PUREST IDEALS REFRESH US. LET THE OCCASIONAL MOMENT OF QUIET ALLOW US TO BE STILL, AND KNOW THAT YOU ARE GOD, SPEAKING, SUMMONING, EMPOWERING US WITH YOUR STILL, SMALL VOICE, WHICH REMAINS THE MIGHTIEST OF ALL. LET THIS DAY BE LIVED IN TOUCH WITH THE TIDES OF YOUR SPIRIT, O GOD, THAT

OUR INDIVIDUAL LIVES, AND THE CORPORATE WISDOM OF THIS SENATE MAY BE A FIT OFFERING TO YOU, AND TO YOUR PEOPLE WHOM WE SERVE. WE PRAY IN OUR MASTER'S NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1974.

SENATE BILL NO. 3272, providing for common school bonds (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 1, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 135, conserving geothermal resources (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

January 31, 1974.

ENGROSSED HOUSE BILL NO. 188, providing for a change in the method of computing the salary of the court administrator (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Greive, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 31, 1974.

ENGROSSED HOUSE BILL NO. 437, implementing the law relating to intermediate school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 31, 1974.

HOUSE BILL NO. 1239, reclassifies school districts with respect to number of enrolled students rather than total population of area and limits classification to first and second class districts (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 1, 1974.

ENGROSSED HOUSE BILL NO. 1242, providing for the use of hand-held gear for commercial salmon fishing (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

January 31, 1974.

ENGROSSED HOUSE BILL NO. 1296, reaffirming limited rights of state board of education over private schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Peterson (Ted).

Passed to Committee on Rules for second reading.

January 31, 1974.

HOUSE BILL NO. 1300, reinstating Memorial Day and Veterans' Day on same days as holidays for other state employees (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 1, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

GENTLEMEN:

I have the honor to advise that on January 31, 1974, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 3100: Transferring funds for use by the state patrol.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGE FROM THE LIEUTENANT GOVERNOR

Office of the Lieutenant Governor, January 28, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON,
LEGISLATIVE BUILDING,
OLYMPIA, WASHINGTON.

LADY AND GENTLEMEN:

I have the honor to submit the following appointment subject to your confirmation. CLINTON DE GABRIELLE appointed November 26, 1973, for the duration of the Washington State Data Processing Authority, as the Executive Director of the Washington State Data Processing Authority.

Sincerely,

JOHN A. CHERBERG

Washington State Data Processing Authority.

Referred to Committee on State Government.

MESSAGES FROM THE HOUSE

January 31, 1974.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 90,

HOUSE BILL NO. 631,

HOUSE BILL NO. 1206,

HOUSE BILL NO. 1261,

HOUSE BILL NO. 1388, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1974.

Mr. President: The House has passed:
 SECOND SUBSTITUTE HOUSE BILL NO. 383,
 REENGROSSED HOUSE BILL NO. 387,
 ENGROSSED HOUSE BILL NO. 1167,
 HOUSE BILL NO. 1255,
 HOUSE BILL NO. 1309,
 HOUSE BILL NO. 1321,
 ENGROSSED HOUSE BILL NO. 1420,
 HOUSE BILL NO. 1437, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1974.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 393,
 ENGROSSED HOUSE BILL NO. 816,
 ENGROSSED HOUSE BILL NO. 916,
 ENGROSSED HOUSE BILL NO. 931,
 ENGROSSED HOUSE BILL NO. 1031,
 SUBSTITUTE HOUSE BILL NO. 1049,
 HOUSE BILL NO. 1065,
 HOUSE BILL NO. 1118,
 ENGROSSED HOUSE BILL NO. 1147,
 ENGROSSED HOUSE BILL NO. 1181,
 ENGROSSED HOUSE BILL NO. 1233,
 HOUSE BILL NO. 1240,
 HOUSE BILL NO. 1259,
 HOUSE BILL NO. 1276,
 ENGROSSED HOUSE BILL NO. 1292,
 ENGROSSED HOUSE BILL NO. 1295,
 ENGROSSED HOUSE BILL NO. 1478,
 ENGROSSED HOUSE BILL NO. 1508, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 90, by Committee on Ways and Means (originally sponsored by Representatives Kopet, Thompson and Curtis) (by Legislative Budget Committee request):

Providing for filing of personal service contracts.

Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 383, by Committee on Local Government (originally sponsored by Representatives Van Dyk, Douthwaite and Charnley):

Providing standards for approval of plats and subdivisions.

Referred to Committee on Local Government.

REENGROSSED HOUSE BILL NO. 387, by Representatives Wojahn, Kuehnle, Erickson and Ehlers (by Joint Committee on Education request):

Implementing law relating to school district organization.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 393, by Representatives Bagnariol, Gaspard and Ceccarelli (by Department of General Administration request):

Providing for a corporation to sue or be sued in its corporate name.

Referred to Committee on Financial Institutions.

HOUSE BILL NO. 631, by Representative Douthwaite:

Authorizing the director of fisheries to manage and regulate unclassified fish, shellfish, and marine invertebrates.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 816, by Representatives Hansen, Ellis, Moon, Clemente and Tilly:

Requiring trains to show oscillating lights.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 916, by Representatives McCormick, Bagnariol and May:

Relating to outdoor advertising.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 931, by Representative Luders:

Implementing the laws relating to insurance.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 1031, by Representatives Curtis, Kilbury, Hansen, Tilly and Morrison:

Adding new members to the agricultural pesticide advisory board.

Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 1049, by Committee on Labor (originally sponsored by Representatives Parker and Savage):

Requiring minimum standards for self-insurers with regard to industrial insurance to be set by the director of labor and industries.

Referred to Committee on Labor.

HOUSE BILL NO. 1065, by Representatives Hayner, Eikenberry, Knowles and Pullen:

Requiring that a copy of every adverse decision and order in administrative proceedings be transmitted to the party's attorney of record.

Referred to Judiciary Committee.

HOUSE BILL NO. 1118, by Committee on Local Government (endorsed by Representatives Blair, Haussler, Kalich, Amen, Paris, McCormick, North (Lois), Laughlin, Nelson, Smythe, Kuehne, Patterson, North (Frances) and Zimmerman):

Permitting banks to advise municipal employee retirement systems in regard to stock investments.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 1147, by Representatives Hansey and Berentson:

Changing the population requirements for a full time justice of the peace.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1167, by Representative Julin:

Amending the law relating to comparative negligence.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1181, by Representatives Luders, Kopet, Haussler, Bauer, Fortson, Gaines, Gallagher, Hansen, Hurley, Knowles, May, McCormick and Schumaker:

Providing for the sale of certain second class shorelands.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 1206, by Representatives Bagnariol, Pardini and Kopet (by Office of Program Planning and Fiscal Management request):

Transferring the federal revenue sharing trust fund to the state general fund.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1233, by Representatives Sommers, Flanagan and Douthwaite:

Authorizing tax refunds based on assessed value reductions and prohibiting refunds of less than two dollars.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1240, by Representatives Brown, Amen and Haussler:

Removing certain meat dealers' fees.

Referred to Committee on Agriculture.

HOUSE BILL NO. 1255, by Representatives Gallagher, Berentson and Hansen:

Permitting compactor type two axle garbage trucks to purchase additional gross weight tolerances.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 1259, by Representatives Charette, Knowles and Clemente:

Relating to the construction of statutes.

Referred to Judiciary Committee.

HOUSE BILL NO. 1261, by Representatives Bagnariol and Kopet (by Office of Program Planning and Fiscal Management request):

Abolishing the motor vehicle excise tax fund and providing for the distribution of motor vehicle excise taxes from the general fund.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1276, by Representatives Charette, Eikenberry and Kelley (by Attorney General request):

Defining exempted transactions under the consumer protection act.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1292, by Representatives Kopet and Charette (by State Treasurer and Office of Program Planning and Fiscal Management request):

Abolishing war veterans' funds when no obligations remain payable therefrom.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1295, by Representatives Perry, Kraabel, Charnley, Kishimoto, Rabel, Ceccarelli and Van Dyk:

Providing for the establishment, improvement, and upgrading of bicycle routes.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 1309, by Representative Bauer (by Superintendent of Public Instruction request):

Deleting superfluous and misleading RCW references from 1969 school building financial assistance act.

Referred to Committee on Education.

HOUSE BILL NO. 1321, by Representatives Luders, Bausch, Morrison, Zimmerman, Bauer and Laughlin:

Regulating water supply operators.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1388, by Representative Van Dyk:

Making certain changes in the laws relating to food packaging.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 1420, by Representatives Clemente, Kopet and Luders (by Superintendent of Public Instruction request):

Setting forth distribution formula for state funds apportioned to school districts.
Referred to Committee on Education.

HOUSE BILL NO. 1437, by Representatives Goltz, Bagnariol, Kopet and Gaines:

Assures budgets setting forth costs arising from higher education personnel law in institutions of higher education go to director of office of program planning and fiscal management for review.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1478, by Representatives Hoggins, Paris, O'Brien, Ceccarelli, Curtis, Amen, Juelling, Zimmerman, Eng, Conner, Leckeyby, Chatalas, Maxie, Honan, Pullen, Hayner, Flanagan, Hurley, Bauer and Matthews:

Expanding the exemptions from the charitable solicitations law for charitable, religious or educational purposes.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 1508, by Representatives Blair, Parker, Kraabel, Luders, Wojahn and Erickson:

Allowing insurance rates to reflect differences on risk factors between the sexes.

MOTION

On motion of Senator Day, Engrossed House Bill No. 1508 was referred to the Committee on Social and Health Services.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 150.

SECOND READING

SENATE BILL NO. 3192, by Senators Donohue, Mardesich, Sandison, Walgren, Day, Guess and Washington:

Providing for review of agency rules by the legislature.

The Senate resumed consideration of Senate Bill No. 3192, an amendment by Senator Donohue to page 2, section 2, line 16 had been moved for adoption on Thursday, January 31, 1973.

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

MOTION

On motion of Senator Lewis (Harry), Engrossed Senate Bill No. 3192 was placed at the end of today's calendar on second reading.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3360, by Committee on Parks and Recreation (originally sponsored by Senator Knoblauch):

Enacting the boating safety, regulation, and registration act of 1974.

MOTIONS

Senator Talley moved that Substitute Senate Bill No. 3360 be held on the third reading calendar for further consideration on Monday, February 4, 1974.

On motion of Senator Mardesich, the motion by Senator Talley was amended and

Substitute Senate Bill No. 3360 will be considered on third reading Saturday, February 2, 1974.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Dr. Shlomo Tadmore, Consul General of Israel of the Northwestern United States and appointed a special committee consisting of Senators Mardesich, Atwood, Lewis (Harry) and Bailey to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Dr. Tadmor to address the Senate.

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

MOTIONS

On motion of Senator Durkan, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3085.

On motion of Senator Durkan, Senate Bill No. 3085 was referred to the Committee on Rules.

POINT OF INQUIRY

Senator Atwood: "Would Senator Bailey yield? How long did you say we are going to be able to caucus?"

Senator Bailey: "Senator Atwood, it would be my purpose that we finish the caucus on the budget before we come out. That may mean that we may be a little late in getting to Ways and Means but we must finish that caucus on the budget and we must go to Ways and Means and finish the budget today. That may be a long time; it may be a short time."

Senator Atwood: "Okay. I would rather go to Ways and Means and work the budget so that everyone from our side on Ways and Means can then go to caucus, since we have not seen the bill, even the committee members, it would be my impression that we move the Ways and Means up to three o'clock and work the budget. Haven't you made all your policy decisions on it?"

Senator Bailey: "Senator Atwood, we feel that our membership that are not on Ways and Means should be in on the making of the budget. We probably will zero in on only a couple of items that we may want to discuss but we felt before we went to Ways and Means that we should at least give the information to the other members. When we come out and have the budget handed to us the other members have no input."

Senator Atwood: "Mr. President, there will be a Republican caucus at one fifteen and we will adjourn the caucus at two o'clock for the committee meetings and I would hope that we could get a preliminary look at the budget at one fifteen."

MOTION

At 12:00 noon, on motion of Senator Bailey, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

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

REPORTS OF STANDING COMMITTEES

February 1, 1974.

SENATE BILL NO. 3354, implementing laws relating to financing by the state, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott.

Passed to Committee on Rules for second reading.

February 1, 1974.

SENATE BILL NO. 3362, providing for the refunding of certain state capitol committee bonds by issuance of refunding bonds (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott.

Passed to Committee on Rules for second reading.

January 31, 1974.

HOUSE BILL NO. 554, setting a time limitation for the transfer of prior service credits into the judicial retirement system (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Greive, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 31, 1974.

ENGROSSED HOUSE BILL NO. 761, increasing penalties for defrauding hotels, inns, restaurants and boarding houses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 31, 1974.

ENGROSSED HOUSE BILL NO. 804, enacting the truth in spending act of 1974 (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Newschwander, Walgren.

Passed to Committee on Rules for second reading.

January 31, 1974.

HOUSE BILL NO. 1084, setting the maximum rate of interest permitted on time deposits of public funds (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Newschwander, Walgren.

Passed to Committee on Rules for second reading.

January 31, 1974.

HOUSE BILL NO. 1272, providing disability insurance for services of oral surgeons licensed under the dentistry act (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Newschwander, Walgren.

Passed to Committee on Rules for second reading.

January 31, 1974.

HOUSE BILL NO. 1302, providing for changes in laws regulating industrial development corporations (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Newschwander, Walgren.
Passed to Committee on Rules for second reading.

January 31, 1974.

ENGROSSED HOUSE BILL NO. 1303, providing for changes in the state securities law (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Mardesich, Newschwander.
Passed to Committee on Rules for second reading.

February 1, 1974.

ENGROSSED HOUSE JOINT MEMORIAL NO. 17, petitioning congress to enact legislation to protect employee pension rights (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Wanamaker.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 1, 1974.

SENATOR GORDON SANDISON, to the position of member of the Western Interstate Commission for Higher Education, appointed by the Governor on July 6, 1973 for the term ending June 9, 1977, succeeding himself reported by the Committee on Higher Education.

MAJORITY recommends that said appointment be referred to the Committee on State Government without recommendation.

Signed by: Senators Sandison, Chairman; Donohue, Durkan, Guess, Marsh, Metcalf.

There being no objection, consideration of the appointment of Senator Gordon Sandison was referred to the Committee on State Government.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, by Committee on Agriculture (originally sponsored by Representatives North (Frances), Nelson, Smith, Hoggins, Ceccarelli and Fortson):

Preventing cruelty to animals.

The bill was read the second time by sections.

Senator Durkan moved adoption of the following amendment by Senators Durkan and Lewis (Harry):

On page 1, section 1, line 12 after "he]" and before "shall" insert "*or fails to use padded set traps or similar devices approved by the game commission in the trapping of animals*"

POINT OF ORDER

Senator Jolly: "I raise a question of scope and object of this amendment. We are dealing with a complete separate chapter in this amendment than we are with the bill. The original bill 1469 is dealing with Chapter 16.52. This amendment is dealing with Chapter 77.16 so I think it is a complete difference."

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, speaking against the scope and object as raised by Senator Jolly, I would like to point out that what he is asking you to rule on is so narrowly

defined that we cannot on the same subject matter add another chapter to an act and it says, 'An act relating to animals,' and the scope of that is so broad that I cannot see where the President could rule otherwise and what I am asking here is simply to provide for a humane method of trapping animals. And if that does not pertain to animals then I do not know what we are talking about here today and the scope and object, if the act were narrow and it said, 'An act relating to animals and specifically to this section and chapter' then Senator Jolly's position might be on much firmer ground, but the act is relating to animals. It is relating to all cruelty to animals and that is what we are talking about here, cruelty to animals, and I am asking merely that those people who trap be required to use the type of a humane trap that is being used in other states and which, incidentally, our Game Commission is fast approaching and will probably approve. And I think hopefully that the President would rule that in the interest of humanity that this is well within the scope and object.

REMARKS BY SENATOR JOLLY

Senator Jolly: "Mr. President and members of the Senate, one section deals with domestic animals and the other one deals with wild animals so I do not think there is any connection between the two."

POINT OF INFORMATION

The President: "Senator Jolly, may the President ask, is there any difference between domestic animals and wild animals?"

REPLY BY SENATOR JOLLY

Senator Jolly: "There is."

REMARKS BY THE PRESIDENT

The President: "If the members of the Senate would permit, the President should like to request additional time to review this particular point of order and report back to the Senate as soon as possible."

Debate ensued.

REMARKS BY SENATOR BAILEY

Senator Bailey: "I would point out that while you are debating, the horses are starving and dying."

REPLY BY THE PRESIDENT

The President: "For that reason the President expresses appreciation to Senator Guess for his comments but would suggest that the Senate continue with its business."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I would also like to point out that while we are debating it the coyotes are eating sheep."

Engrossed Substitute House Bill No. 1469, together with the point of order raised by Senator Jolly on the amendment proposed by Senators Durkan and Lewis (Harry), was ordered held for a Ruling by the President.

SECOND READING

SENATE BILL NO. 3118, by Senator Bottiger:
Relating to highway safety.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 3118 was substituted for Senate Bill No. 3118 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 7, strike everything after the enacting clause and insert:

"Section 1. Section 1, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.015 are each amended to read as follows:

The state auditor shall establish distribution percentages for use by the county treasurer and state treasurer in remitting justice court income, except for (1) fines, forfeitures, and penalties assessed and collected because of the violation of city and/or county ordinances [and], (2) fees and costs assessed and collected because of a civil action, and (3) *penalty assessments assessed and collected pursuant to section 2 (2) of this 1974 amendatory act*. A separate percentage shall be established for each city within the county, and for each county, and for the amount that each county shall remit to the state treasurer. These percentages shall be established by reviewing the financial records of each county for the six years prior to January 1, 1969, and determining the average percentage of the net income from that county's justice courts, that each city, and the county, and the state has received for that period of time. The percentages determined by this procedure shall then be provided to each county treasurer for his use in distributing justice court income. Percentages shall be established for each state fund, now receiving justice court income, by determining the average percentage of justice court income that each fund has received from the total income remitted to the state by the counties for this period of time, except that any state fund receiving less than five hundred dollars each year for the two years 1967 and 1968 shall not have a percentage established for it and the amounts of income in such situation shall be added to the amounts remitted to the state general fund for the purpose of calculating average distribution percentages.

The state auditor, with the assistance of the administrator for the courts, shall review the distribution percentages annually. This review shall be based upon the annual percentages of types of violations, in relationship to the total cases processed, to determine if the original percentages established by this section are still proportionately accurate within a margin of plus or minus five percent. In the event the annual review indicates that the existing percentages are not proportionately accurate, the state auditor shall revise the distribution percentages to the percentages indicated in the annual review and notify the county and state treasurer within fifteen days in advance of any quarterly distribution of the revised percentages and the statistics supporting the revision.

Sec. 2. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 284, Laws of 1971 ex. sess. and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended: PROVIDED, That the court may, for a defendant who has not previously had a jail sentence suspended on such second or subsequent conviction, suspend such sentence and/or fine only on the condition that the defendant participate in and successfully complete a court approved alcohol treatment program: PROVIDED, FURTHER, That the suspension shall be set aside upon the failure of the defendant to provide proof of successful completion of said treatment program within a time certain to be established by the court. If such person at the time of a second or

subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) *There shall be levied and paid into the highway safety fund of the state treasury twenty-five percent of any fine, bail forfeiture or costs on all offenses involving a violation of any state statute, or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: PROVIDED, That all funds shall be for the exclusive use of the department for the driver licensing program and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders.*

(3) *Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62 or 35.20 RCW, or any other section, all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth therein.*

[(2)] (4) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) Be suspended by the department for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

[(3)] (5) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION. Sec. 3. There is added to chapter 46.61 RCW a new section to read as follows:

The gross proceeds of the penalty assessments provided for in section 2 (2) of this 1974 amendatory act shall be separately accounted for and transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall also separately account for such moneys, place them in a separate fund, and shall transmit to the state treasurer monthly and without deduction the gross amount of such penalty assessments received, which shall be credited forthwith to the highway safety fund of the state treasury.

NEW SECTION. Sec. 4. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Woody: "Would Senator Bottiger yield? On the critical part, page 2, there are no lines here, but the last three lines of subsection (2) say, 'or other similar programs designed primarily for the rehabilitation or control of traffic offenders.' This is rather wide open. What are we talking about there?"

Senator Bottiger: "Well, there is a series of programs that the State Patrol has adopted, to rehabilitate traffic offenders. For example, if you get so many tickets you get called in for a little interview with a State Patrol officer and he encourages you to do better and tells you what happens if you do not. We have the administration of the habitual traffic offender act, programs of this kind."

Senator Woody: "I can understand the alcohol safety thing and the drivers licensing program but do you have any statistics to indicate what percentage of this fund is actually going for these other similar programs as opposed to the alcohol safety action or the driver licensing program?"

Senator Bottiger: "Senator Woody, under the original bill with the hundred dollars I could have told you what we would be financing because almost half of that would have gone to ASAP."

Senator Woody: "That is the alcohol?"

Senator Bottiger: "Right. We will not be able to fund ASAP with this because this does not produce enough money to do that, but there is a substantial portion, if you ask me to estimate I would say something in the area of fifteen or twenty percent of the highway safety fund goes to drug alcohol-type problems."

Senator Woody: "Let me ask you another very pointed question. In the event that this amendment passes, will there be any other measure used to attempt to fund the highway safety fund?"

Senator Bottiger: "In this same session we have dealt with the highway safety fund in the State Patrol officers' salary increase. I would not want to mislead you there. That is a washout. Money is going in and money is coming out and it washes out right down the line. I know of no other attempt, I can tell you that this particular amendment will produce two hundred and eighty-three thousand dollars in the rest of this biennium and one point one in the next biennium. That will not be quite enough. We are probably going to have to cut down on some of the activities in the safety fund or come up with some other method and I think probably cut down the activities will be what happens."

Senator Woody: "There is one other measure that is floating around here some place, another suggestion, and that is that a certain percentage of the bail forfeitures and fines of the district court be siphoned off and put into the highway safety fund. If this amendment is adopted and this measure is passed, will you then be abandoning that approach, that is the approach of raiding the bail forfeitures and fines of the district courts?"

Senator Bottiger: "Senator Woody, I did not read all of the alternatives but undoubtedly what you have heard is another one of the alternatives presented to the committee by the department and that was the limiting of the fines and forfeitures that could be used by the court to fifty percent. We are rejecting that because I do not see how we can do it."

POINT OF INQUIRY

Senator Dore: "How much money are we talking about? I am interested in that section. Senator Woody spoke concerning 'transfers of twenty-five percent of all fines and forfeits into the motor vehicle safety fund.' We are talking about a lot of money."

Senator Bottiger: "Senator, the twenty-five percent or his fifty percent limitation? This amendment, Senator Dore, would produce in the rest of this biennium two hundred and eighty-three thousand dollars which is just about exactly what we need to keep the fund from going in the red."

Senator Dore: "I am talking about subsection (2) 'There shall be levied and paid into the highway safety fund of the state treasury twenty-five percent of any fine, bail, forfeiture or cost on all offenses involving a violation of any state statute,' not just for motor vehicle but state statute, 'or city or county ordinance relating to the driving of a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor. *PROVIDED*: That all funds shall be for the exclusive use of the department for the driver licensing program and for a state-wide alcoholic safety action program.' Now where is that money now? Who is going to be shorted with it?"

Senator Bottiger: "Senator Dore, if you received a one hundred dollar fine from a judge for DWI or physical control, this bill would increase it to one hundred and twenty-five dollars. Twenty-five percent of the fine is a surcharge. So the money is not anyplace now. It is new fines being assessed against people driving under the influence of liquor. And as you read, any state statute, or the old gimmick where the counties and cities used to not charge them under the state statute. They would charge them under the city ordinance. We plugged that loophole. We say anybody who is arrested for physical control or DWI has an additional surcharge on his fine, whatever the judge sets, it goes into the highway safety . . ."

Senator Dore: "What is the surcharge?"

Senator Bottiger: "Twenty-five percent."

Senator Dore: "And how much will it raise the rest of this biennium, which is just another five months?"

Senator Bottiger: "In the 1973-75 biennium it will raise two hundred and eighty-three thousand dollars. In the 1975-77 biennium it will raise one point one million dollars, which is not quite enough to keep the fund at its present level, to keep it solvent. They will have to cut down."

Senator Dore: "One further question. As I understand it now, the motor vehicle safety fund is all financed by motor vehicle money, road money. Right?"

Senator Bottiger: "No, sir, it is financed basically by fines and forfeitures."

Senator Dore: "It is on the excise tax."

Senator Bottiger: "What is left over after cities and counties and judges have taken their cut, it goes in the highway safety."

MOTION

On motion of Senator Mardesich, Senate Bill No. 3118, together with the amendment by Senators Bottiger and Walgren which had been moved for adoption by Senator Bottiger, was ordered to hold its place on the second reading calendar for Saturday, February 2, 1974.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, by Committee on Agriculture (originally sponsored by Representatives North (Frances), Nelson, Smith, Hoggins, Ceccarelli and Fortson):

Preventing cruelty to animals.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1469. Earlier today, Senator Jolly raised a point of order on an amendment proposed by Senators Durkan and Lewis (Harry) and the bill was held for a Ruling by the President.

MOTION

Senator Woodall moved that Engrossed Substitute House Bill No. 1469 be referred to the Committee on Agriculture with instructions.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Jolly: "Is it permissible to act on Senator Canfield's amendment before the Durkan-Lewis amendment?"

REPLY BY THE PRESIDENT

The President: "Senator Woodall has a motion to refer the bill to committee. If Senator Woodall were to withdraw the motion then the President believes that the Senate could act upon Senator Canfield's amendment."

MOTION

Senator Bailey moved that Engrossed Substitute House Bill No. 1469 be placed on the second reading calendar for Saturday, February 2, 1974.

There being no objection, the motion by Senator Woodall was withdrawn.

The motion by Senator Bailey carried and Engrossed Substitute House Bill No. 1469 was ordered placed on the second reading calendar for Saturday, February 2, 1974.

MOTION

At 3:40 p.m., on motion of Senator Bailey, the Senate recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 5:00 p.m.

MOTION FOR RECONSIDERATION

Senator Mardesich: "Yesterday, after the failure of Senate Bill No. 2980, I served notice that on the next succeeding day's business I would move for reconsideration of that bill. I would like to make that motion at this time and then set it over rather than continue work now, if the President will allow me to sit down and stand again to be recognized after this speech."

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I would like a ruling from the Chair as to whether or not the subject matter being considered by Senator Mardesich's motion is apropos in view of the joint resolution adopted by this body."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President, speaking to the point, the Chair made the ruling yesterday on that very point when Senator Washington's bill failed and the Chair was asked if his motion to reconsider had to be put before five o'clock and the Chair so ruled, and his bill was almost identical subject matter, or similar subject matter as Senator Mardesich's so I think the Chair has to, in order to be consistent with the ruling on Senator Washington's bill, make the same type of ruling. I just wanted to point out that precedent to the Chair."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I would like also to point out that this matter is in the nature of legislative reform and all I was talking about was doing it on another day rather than today."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Speaking on the suggestion of Senator Mardesich, I think we should all recognize he said that with a smile. There is obviously no connection between — oh, it was a snarl — there is obviously, seriously, Mr. President, no connection whatsoever between this type of legislation and legislative reform which deals with our own structure in housing and in procedures. This deals with another agency entirely and I think that would be obvious to the President in looking at the bill."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "If the President would allow me to make a suggestion in view of the time and the fact that the Committee on Ways and Means is scheduled to meet at this moment, I would respectfully solicitate the delay of any decision with respect to this until another day when you could consider the matter at your leisure."

REPLY BY THE PRESIDENT

The President: "Thank you, Senator Mardesich. The President was just going to request that privilege of the members. If there are no objections?"

MOTION

At 5:05 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Saturday, February 2, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, February 2, 1974.

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 Francis, Stortini and Woodall. On motion of Senator Greive, Senator Stortini was excused. On motion of Senator Keefe, Senator Woodall was excused.

The Color Guard, consisting of Pages Jeff Joe and Kathy Martin, presented the Colors. Doctor Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER, BELIEVING THAT WE WERE CREATED IN THY IMAGE, AND BELIEVING THAT THOU ART THE ONE IN WHOM WE LIVE AND HAVE OUR BEING, WE COME NOW PRAYING THAT WE MAY BE PREPARED FOR ALL THE EVENTS OF THE DAY, FOR WE KNOW NOT WHAT THE DAY MAY BRING FORTH. IN OUR UNCERTAINTY, HELP US TO SEE THE DIM ARCHES OF THY PROVIDENCE LOOMING ABOVE THE CONCERNS OF OUR DAY, TO RECOGNIZE THY GLORY HIDDEN IN THE FURROWS OF TIME. RELYING ON THEE, WITH RENEWED CONFIDENCE, WE WOULD TAKE UP OUR TASK. IN OUR MASTER'S NAME. AMEN."

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3360, by Committee on Parks and Recreation (originally sponsored by Senator Knoblauch):

Enacting the boating safety, regulation, and registration act of 1974.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3360.

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Woody yield? Senator Woody, I have eighty miles of Idaho on one side of my district and all the people in Spokane and the Spokane valley have boats and when they go to Idaho they have to have them registered and licensed in Idaho. Now does this mean that they will now have to have two registrations and two licenses?"

Senator Woody: "If they own a boat in the state of Washington it is registerable here just like it is right now, with your WN numbers. If I were in court, then under this bill, if you have a WN number and you live in Washington, you do not have to register it any place else. If I were going on vacation in Oregon, California, Idaho, any place else with my trailerable boat and it is licensed in Washington, they cannot require me to license it any place else."

Senator Day: "They can in Idaho, Senator Woody, if you are going to put that boat in the water over there."

Senator Woody: "We have a reciprocal provision in this act and if Idaho does that to us, then we do it to Idaho."

Senator Day: "Thank you, Senator. What you are really saying then is that unless Idaho recognizes our reciprocity we will not recognize theirs and my boat owners will buy two licenses?"

Senator Woody: "I would say no, Senator Day. I would really say no because you cannot tax something the situs of which is owned by somebody out of state."

Senator Day: "But, Senator, we are putting it into Idaho waters now. Boats fit on trailers and they do drive them across the state line and we have nice big Lake Coeur d'Alene and Spirit Lake and all those beautiful lakes in Idaho which my people like to go over and use, but when they put it in the water over there, aren't they subject to some of the restrictions of the state of Idaho?"

Senator Woody: "Yes, but not the licensing. Just the same thing as the Boeing airplanes when they fly between here and New York, every state that they land in cannot put a personal property tax on them."

Senator Day: "They charge them landing fees, though."

Senator Woody: "That is not a personal property tax."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Woody yield to a further question? Senator Woody, you give a very good explanation of this bill. I just had a couple of questions. On page 5, being less than ten horsepower on outboard motors. . . ."

Senator Woody: "Could you give me that section please, Senator?"

Senator Rasmussen: "Section 4, on page 5, line 13."

Senator Woody: "Yes, subsection (7)?"

Senator Rasmussen: "Subsection (7). Right. Boats having less than ten horsepower used exclusively as lifeboats, and then in another section you go down to eight horsepower. Why the difference?"

Senator Woody: "The difference is the applicability of the act. Section 4 says what is not included, documented vessels are not. Vessels owned by the United States. Subsection (7) is basically the provision that we found it necessary, both from a Coast Guard point of view and, frankly, the yacht club owners' point of view. They wanted to have the little dinghy that is used primarily for their boat not to have to be either the one time license or the annual fee."

Senator Rasmussen: "My question was on the inconsistency between ten horsepower in one section and eight horsepower in another section."

Senator Woody: "They are dealing with two different things. One is the licensing. You do not have to even have it licensed. It is not applicable. This 1974 act shall not apply to the following vessels . . . subsection (7) 'Being less than ten horsepower and used exclusively as lifeboat and/or tender for a larger vessel.' It is completely out."

Senator Rasmussen: "In the other section it licenses it if it is over eight horsepower."

Senator Woody: "That is correct."

Senator Rasmussen: "Now I also see it also requires the registration of outboard motors. Are these outboard motors entirely separate from boats?"

Senator Woody: "Yes. The reason for this, if you will look at section 5, you have to find an equitable technique of looking at an inboard, one of these little kickers with a ten horsepower inboard motor. How do you treat that person as opposed to an outboard boat with an outboard motor of five horsepower? The dollars have to come up to be the same and that is why we wrote it that way. The one-time registration fee for numbering shall be three dollars for each inboard boat. Now in the event that you had that same horsepower but with an outboard motor, it is two dollars for the vessel and one dollar for the motor. You would still be paying three dollars in either event."

Senator Rasmussen: "My question was, if I have an outboard motor, it might be a fifty horsepower, sitting in my basement, am I required to license that?"

Senator Woody: "Yes, one dollar."

Senator Rasmussen: "Even though I never use it, I license it every year?"

Senator Woody: "It is a one-time thing. This is just so the department can have that licensed so that they say, 'Senator Rasmussen owns a fifty horsepower Chrysler outboard marine engine, license number such and such or serial number such and such,' and that way you can always trace it. You know it is yours. If somebody burgles your place and steals it, they know it is yours. Now that is just a one-time fee."

Senator Rasmussen: "Is this a certificate of title issued then on that?"

Senator Woody: "That is correct."

Further debate ensued.

POINT OF INQUIRY

Senator Talley: "Would Senator Woody yield to a question? Senator Woody, I have a district that borders on the Columbia River. The Coast Guard inspects our boats regularly and registers them and everything else. Now if I vote for this bill and it passes, every deputy sheriff that comes along will have his interpretation of the law and he will be in competition with the Coast Guard, too?"

Senator Woody: "No, this is in conjunction with the Coast Guard. That is why we were very careful when we wrote this, that we would not have any regulations that were different from the Coast Guard's. Basically, the Coast Guard told us what we had to do and they had to match theirs. If we did not match theirs, then they would not accept our bill as being a substitute for theirs. I should not say a substitute, but in conjunction with theirs."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Woody, or Wanamaker or Canfield yield to a question? I do not care which one. I notice in the fiscal impact statement, it has been stated that this is not a revenue gaining measure, but it does show in a biennium it will bring in three point six million dollars and the expenses total close to three hundred thousand. We are still left with about three point three million. Could you tell me how that will be distributed?"

Senator Woody: "As I mentioned when I first stood up under Senator Mardesich's three minute rule, fifty percent of that, after you take off the expenses. It depends on which column you are looking at, but if you are looking at the two hundred and ninety-one thousand, after you deduct that, a remainder of fifty percent is contributed to the local entities, cities, towns and counties, for their own boating safety programs. Twenty-five percent goes to various other agencies as specified in the act, including, for example, the game department, etc., so they can improve some of the ramps and create ramps. Twenty-five percent goes to the Boating Council which is created in here. The Boating Council with that twenty-five percent can look at specific projects, spend that money for those specific projects, including not only capital construction but education, safety programs, things of this sort."

Senator Odegaard: "Does any of this go to the local law enforcement agencies?"

Senator Woody: "Of that fifty percent that goes to local government, they can use it either to hold classes or for law enforcement, or both. It is up to them."

Senator Odegaard: "Senator Woody, I was not on the subcommittee. I am on the Parks Committee, as you know, but I did not hear all the testimony on this, not being on your subcommittee. Was there any thought of the enforcement being given to a state department such as Game or Parks?"

Senator Woody: "Or State Patrol. Yes, all of those were thought of. Without going into the various reactions, some of which made people jump about twenty feet in the air and others which one could live with, we decided rather than to get into the problem of saying just this particular agency shall be the law enforcement authority responsible for this, we would merely make various things unlawful so far as operating a boat in a negligent fashion, for example; then anybody who has authority as a peace officer, which includes sheriffs, city police, State Patrol, does not include the Game Department because they do not have general peace officer authority. But anybody else who is a peace officer can enforce this."

Senator Odegaard: "Does this present a problem as you see it then with all these different agencies, state and local, which have that power to enforce? Would this cause a problem in the uniformity that Senator Canfield was speaking to?"

Senator Woody: "What Senator Canfield was speaking to was primarily the situation, not the salt water areas, but in some of the lakes, where the various deputy sheriffs are now enforcing their own local county ordinances. They would now be enforcing this act and it would not cause a problem. We have had hearings over in Senator Guess's area as I recall where one of the problems presented by the resort owners was, which one should we follow? One county says you can do certain things at certain periods of time during the day, for example, and another county says you cannot. Yakima says — I think they still say — that you pay fifty cents to put your boat in the water and if you do not, you are subject to a fine. This makes it uniform so that the local government cannot make any local rules and regulations that are inconsistent with this."

"Senator Odegaard: "I realize that, but I mean the possibility of the way it is enforced with all the different agencies. Even though they have uniform rules, it might be a problem."

Senator Woody: "Just like the motor code. A deputy sheriff in one county may enforce it vigorously and in another county may not. But that is the only difference. It will be the same application as with automobiles."

Further debate ensued.

POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Knoblauch yield? Senator, you are the chairman of the powerful Parks Committee and I think you should make this. . . ."

Senator Knoblauch: "I appointed a very powerful subcommittee, Senator Peterson."

Senator Peterson (Ted): "I would like to ask you the question. We know what the driver's license started out with. It was a dollar, and now it is five dollars, and I would like to have an explanation as to the tag. Who makes up the tag, and how far reaching on the inner lakes does the Coast Guard jurisdiction spread on this? Would you give me an explanation on this?"

Senator Knoblauch: "I will refer your question to Senator Woody, Senator Peterson."

Senator Woody: "Coast Guard jurisdiction covers all navigable waters. To people like Senator Guess, with Diamond Lake in his area, I have just been shocked to find out what constitutes navigable waters. If you can get a canoe on it, it is probably navigable. Technically, those lakes in eastern Washington, and Senator Rasmussen, when you were asking me a question at my desk a minute ago and said that if you use it on the lakes you are not under Coast Guard jurisdiction, that is not true. If the body of water is navigable under any stretch of the imagination or definition, then the Coast Guard does have jurisdiction. As a practical matter, I have not seen that fifty-some feet Coast Guard boat up in Everett any place but on the salt water. I have not seen them on the inland lakes, but they have jurisdiction. If there is a collision in the inland waters on the freshwater lakes, you use the Coast Guard rules as to whom had the right of way. Not any more. They do not exempt under ten horsepower. That is gone."

Senator Peterson (Ted): "Who makes up the tag and the numbering for the vessel? Is that the Coast Guard as a whole, then?"

Senator Woody: "Currently, or under my bill?"

Senator Peterson (Ted): "Under your bill."

Senator Woody: "No, we do. The state does."

Senator Peterson (Ted): "I knew that the Coast Guard did not want to get into that and I just wondered for sure."

POINT OF INQUIRY

Senator Talley: "Would Senator Woody yield to a further question? Senator Woody, Senator Odegaard almost got to the question I wanted to ask and that is this, we are going to register these boats, right?"

Senator Woody: "Yes."

Senator Talley: "All right. The thing that is going on now, the county assessor does not tax the boats very much because he does not know where they are and he does not want to bother with them. So all he will need to do now is just get a list of this and you will have every boat in your district."

Senator Woody: "No."

Senator Talley: "He can slap the assessment on and it will be worse than that trailer bill we had last time."

Senator Woody: "What I failed to make clear is this is in lieu of. The assessor cannot assess, if this bill passes. This is an excise tax and it is in lieu of the property tax. He cannot put the property tax on it."

POINT OF INQUIRY

Senator Guess: "Would Senator Woody yield? Senator Woody, section 5 has a proviso on line 31 which says, 'That the fee for each livery operation shall be two dollars and one dollar for each vessel.' Now when we were in the committee and during the hearings I thought that the livery operation on freshwater lakes was going to be excluded from the requirement of having to go get a certificate of title on these homemade boats, some of which are twenty years old. Then you go on down further into section 5 and it says. . . ."

Senator Woody: "Senator Guess, to help you out, look above section 5. Immediately above section 5 in section 4 which is the exemption section, subsection (8) deals with livery vessels. It says, 'Livery vessels,' which are the ones that you are speaking of, and that is precisely the language that came out of the hearing over in your area, the objections your people were making, 'Livery vessels operated in freshwater areas so long as such vessels are primarily used at a single location,' a resort situation; and 'so long as each such vessel carries the name of the owner, company, or resort to which it belongs and carries a number that is part of a consecutive numbering system for all such vessels which belong to the same owner, company, or resort.' They are out of it."

Senator Guess: "But now you read the proviso on line 31, page 5."

Senator Woody: "Yes, two dollars, one dollar. . . ."

Senator Guess: "Then do they have to get a certificate of license, certificate of ownership?"

Senator Woody: "No."

Senator Guess: "That is in subsection (3) further on, on the next page."

Senator Wanamaker: "Yes, Senator Guess, in answer to your question, no they do not. What they do is that they will buy a license for their resort. Two dollars. Then each boat will be listed on there. It does not have to go on the boat. All they have, it is on their certificate for their resort and the number of boats."

Senator Guess: "They do not have to get the certificate of title?"

Senator Wanamaker: "No."

Senator Guess: "Thank you very much, Senator."

REMARKS BY SENATOR WANAMAKER

Senator Wanamaker: "I would like to answer a couple of other questions that have come up. In answer to Senator Day's question on whether it would have to be registered in Idaho and Washington, and the answer is no. Under the federal act they do not or cannot register in two states. Therefore they would register their boat in the state of Washington. Also it would be worked out with the governing body of this bill and the state of Idaho, which they have already talked, that there would be a reciprocal agreement that they would have free access between states. Therefore we would not have the problem that they would have to register in both states.

"And in some answer to Senator Clarke's problem, in the first place I would say I cannot bleed too much for those poor people living on Lake Washington and this is, on those small boats, a one registration. And I fail to see — where they have the protection of their boat being registered against theft that it would be money well spent, and I think those people would probably go for this rather than to leave their boats as they are now."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3360, and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 27; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Connor, Fleming, Grant, Jolly, Knoblauch, Lewis (Harry), Metcalf, Murray, Scott, Sellar, Wanamaker, Washington, Whetzel, Woody—18.

Voting nay: Senators Clarke, Day, Donohue, Dore, Durkan, Francis, Greive, Guess, Herr, Jones, Keefe, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren—27.

Absent or not voting: Senator Henry—1.

Excused: Senators Stortini, Woodall—2.

SUBSTITUTE SENATE BILL NO. 3360, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Guess served notice that he would, on the next working day, move for reconsideration of the vote by which Substitute Senate Bill No. 3360 failed to pass the Senate.

MOTION

At 10:40 a.m., on motion of Senator Bailey, the Senate recessed until 11:45 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:45 a.m.

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

REPORT OF STANDING COMMITTEE

February 1, 1974.

SENATE BILL NO. 3020, adopting the supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3020 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice

Chairman; Bailey, Canfield, Dore, Fleming, Grant, Mardesich, Marsh, Metcalf, Peterson (Ted), Rasmussen, Sandison.

MOTION

On motion of Senator Durkan, Senate Bill No. 3020 was advanced to second reading.

SECOND READING

SENATE BILL NO. 3020, by Senators Atwood, Donohue and Odegaard (by Executive request):

Adopting the supplemental budget.

MOTIONS

On motion of Senator Durkan, Substitute Senate Bill No. 3020 was substituted for Senate Bill No. 3020, and the substitute bill was read the second time in full.

On motion of Senator Durkan, the following amendment by Senators Mardesich, Durkan, Atwood, Marsh, Bailey, Odegaard, Lewis (Harry) and Guess was adopted:

On page 29, add a new section as follows:

"NEW SECTION. Sec. 59. General Fund surplus revenues from all sources, excluding federal funds, for the 1973-75 biennium in excess of \$2,200,276,000, but not to exceed \$20 million, as determined by the Department of Revenue, State Treasurer and Office of Program Planning and Fiscal Management, shall be credited to the State Treasurer for deposit to a special fund for special levy relief to be distributed through the school apportionment formula."

Senator Durkan moved adoption of the following amendment by Senators Mardesich, Durkan, Atwood, Marsh, Bailey, Odegaard, Lewis (Harry) and Guess:

On page 29, line 20, add a new section following section 57 as follows:

"NEW SECTION. Sec. 58. General Fund agency reversion of funds appropriated for expenditure during the 1973-75 biennium, excluding federal funds, but not to exceed \$35 million, as determined by the Office of Program Planning and Fiscal Management, shall be credited to the State Treasurer for deposit to a special fund for special levy relief to be distributed through the school apportionment formula."

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Canfield: "Will Senator Durkan yield? We are discussing the Mardesich, Durkan, Atwood, Marsh, Bailey, Odegaard and Lewis amendment, are we? I seem to recollect that last night when we were discussing this the general thinking, I thought, was that it would go into the school apportionment fund for distribution under the apportionment formula. And the way this is worded it is for special levy relief. Are you saying now it should only go to those districts that have special levies and should it go in proportion to the amount of special levies or is it available for general apportionment?"

Senator Durkan: "Mr. President and members of the Senate, what I am saying is exactly what we said up there yesterday, Senator. Any amount of money that is to be distributed will go to all school districts and hopefully it will prevent the necessity of special levy, but those who do have special levy will not be able to take the money if there is any available and put that on top of their special levy. They will be required to reduce the special levy by the amount of money that they get. We presently have that section in the appropriation act and I would hope that in 1975 the legislature will pass similar legislation to do just exactly that."

Senator Canfield: "I hope that this would go to all school districts for their needs and that is the intent of this, is it not?"

Senator Durkan: "That is the intent of this that it will, and it would be my hope that the 1975 session will reenact the provision which is presently in the substitute bill."

Senator Canfield: "I think under those conditions it is a very good amendment."

The motion by Senator Durkan carried and the amendment by Senators Mardesich, Durkan, Atwood, Marsh, Bailey, Odegaard, Lewis (Harry) and Guess was adopted.

Senator Day moved adoption of the following amendment by Senators Day and Greive:

On page 6, line 1, after "factors" insert "for Department of Social and Health Services patients".

Debate ensued.

Senator Francis demanded a roll call and the demand was sustained by Senators Washington, Connor, Twigg, Guess, Talley, Atwood, Peterson (Ted), Wanamaker and Woody.

ROLL CALL

The Secretary called the roll and the amendment by Senators Day and Greive was adopted by the following vote: Yeas, 24; nays, 21; absent or not voting, 1; excused, 2.

Voting yea: Senators Canfield, Connor, Day, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Peterson (Lowell), Peterson (Ted), Rasmussen, Sellar, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker-24.

Voting nay: Senators Atwood, Bailey, Bottiger, Clarke, Donohue, Dore, Durkan, Fleming, Francis, Jones, Lewis (Harry), Murray, Newschwander, Odegaard, Ridder, Sandison, Scott, Talley, Washington, Whetzel, Woody-21.

Absent or not voting: Senator Matson-1.

Excused: Senators Stortini, Woodall-2.

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

On page 2, section 7, line 10 after "Appropriation" insert the following:

"PROVIDED, That none of this appropriation shall be used to process after January 1, 1975 any warrant issued by the state in payment of salary and wages or reimbursement of expenses paid state officials or employees or payments to vendors which shall contain any statement, representation, contract, or commitment that requires the payee to consent thereto as a condition of endorsement or receiving payment of such warrant."

Senator Newschwander moved adoption of the following amendment by Senators Newschwander and Scott:

On pages 28-29 strike all of new section 55 and insert:

"*NEW SECTION.* Sec. 55. On and after the effective date of this 1974 amendatory act, but not later than March 31, 1974, it is the intent of the legislature that each and every agency of state government, in cooperation with the Office of Program Planning and Fiscal Management, shall abolish all full time personnel authorizations which were either unfilled or unfunded as of December 31, 1973, except that such unfilled or unfunded personnel authorizations as are funded under the provisions of this 1974 amendatory act or any concurrent act of this third extraordinary session of the Forty-third legislature shall not be affected by the provisions of this section; PROVIDED FURTHER, That such savings as determined by the Office of Program Planning and Fiscal Management, achieved by such action, shall be lapsed to reserve and remain unexpended."

POINT OF INQUIRY

Senator Canfield: "Would Senator Newschwander yield? Senator, I am certainly one hundred percent in favor of your concept here, but I wonder what you mean by the last where you quit there and say the money shall remain unexpended. Forever? Until when? Remain unexpended?"

Senator Newschwander: "Any money that is left at the end of the biennium supposedly goes back to the fund there like the general fund, but many times we have found that they have not filled these positions and the money has been used for something else. I think we heard testimony upstairs in one of our meetings where one of the departments did not fill positions and used the money actually for positions that were unfunded. So I am saying that any time there is a funded unfilled position as of this date, I want to make sure it goes back to the general fund at the end of the biennium."

Senator Canfield: "Well, I agree with that, Senator, but when you say 'unexpended' I wonder if it means forever or just to the end of the biennium."

Further debate ensued.

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

Senator Durkan moved adoption of the following amendment:

On page 29, add a new section following section 58, being renumbered section 60, as follows:

"NEW SECTION. Sec. 61. If any provision of the 1974 act or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

Remember the remaining section consecutively.

On motion of Senator Mardesich, the following amendment to the amendment by Senator Durkan was adopted:

On line 1 of new section 61 added by the Durkan amendment after "If any provision of" strike "the" and insert "this".

POINT OF INQUIRY

Senator Canfield: "Will Senator Durkan yield to a minor question? Shouldn't this amendment be before the emergency clause?"

Senator Durkan: "I have no objection to it being put before the emergency clause. With the permission of the body, I so move."

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

Senator Atwood moved adoption of the following amendment by Senators Atwood and Newschwander:

On page 1 after line 10, strike the remainder of the act and insert:

"NEW SECTION. Section 1. That the following appropriations are hereby adopted and subject to the provisions set forth in the following sections or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed by the designated agencies and offices of the state and for other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

<i>NEW SECTION.</i> Sec. 2. FOR THE PUBLIC DISCLOSURE COMMISSION	
General Fund Appropriation.....	\$ 190,242
<i>NEW SECTION.</i> Sec. 3. FOR THE STATE TREASURER	
State Treasurer's Service Fund Appropriation.....	\$ 152,016
War Veterans' Compensation Fund Appropriation.....	\$ 4,633,926
<i>NEW SECTION.</i> Sec. 4. FOR THE SECRETARY OF STATE	
General Fund Appropriation	
For the purpose of carrying out the provisions of chapter (SB 3003),	
Laws of 1974 ex. sess.	\$ 93,311
<i>NEW SECTION.</i> Sec. 5. FOR THE WASHINGTON STATE DATA PROCESSING AUTHORITY	
General Fund Appropriation: <i>Provided</i> , That \$250,000 of this appropriation shall be used for capitalization of a Data Processing Revolving Fund.....	\$ 525,700
<i>NEW SECTION.</i> Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
General Fund Appropriation: <i>Provided</i> , That \$15,035,730 is from state funds, \$135,834 is from local funds, and \$33,281,840 is from federal funds: <i>Provided</i> , That \$3,072,876 from local funds presently available within the public health program for Firland Hospital remains unexpended at the end of the 1973-75 biennium: <i>Provided further</i> , That this appropriation shall be expended for the following purposes.....	
Adult Corrections and Rehabilitation.....	\$ 48,453,404
Juvenile Rehabilitation.....	\$ 2,226,220
Mental Health	\$ 280,137
	\$ 5,189,250

Developmental Disabilities: <i>Provided</i> , That the Department of Social and Health Services shall allocate \$50,000 or so much thereof as is necessary to implement the Department of Personnel salary survey findings for the Schools for the Blind and Deaf in compliance with the recommendations presented at the August 7, 1970 Personnel Board meeting.....\$	5,769,044
Veterans' Services: <i>Provided</i> , That this amount or so much thereof as shall be necessary along with available local funds shall be used to add nursing and medical related staffing at the State Veterans' Home and the State Soldiers' Home so as to meet state licensing standards for domiciliary and nursing home facilities.....\$	525,209
Income Maintenance, Community Social Services, Medical Assistance: <i>Provided</i> , That \$3,500,000 of this appropriation shall be used to provide reimbursement to nursing homes for purchase of restorative services for nursing home patients: <i>Provided further</i> , That \$1,000,000 of this appropriation shall be used to increase state rates for reimbursement for nursing home services to establish minimum wage scales for nursing home personnel effective July 1, 1974, pursuant to Department of Social and Health Services regulations: <i>Provided</i> , That notwithstanding the provisions of chapter 139, Laws of 1973 1st ex. sess., the department shall establish nursing home accounting and reimbursement systems which recognize relevant cost related factors, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and which may include a reasonable rate of return on investment; said formula shall provide that no payments shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such system	33,009,028
Public Health	151,055
Administration and Supporting Services: <i>Provided</i> , That the Department shall explore the cost effectiveness of utilizing vendor services for medical assistance data processing, but shall not enter into any contract for such services without the approval of the Senate and House Ways and Means Committees	1,303,461
General Fund Appropriation	
For capital improvements required to certify schools for the retarded as skilled nursing homes.....\$	650,000
General Fund Appropriation	
For Capital Improvements at the State Veterans' Home and the State Soldiers' Home required to meet state fire and safety standards.....\$	2,000,000
NEW SECTION. Sec. 7. FOR THE STATE PATROL	
General Fund Appropriation.....\$	308,457
Motor Vehicle Fund Appropriation.....\$	430,000
NEW SECTION. Sec. 8. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	
General Fund—Outdoor Recreation Account Appropriation.....\$	4,461,956
NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF NATURAL RESOURCES	
General Fund Appropriation.....\$	16,652
General Fund—Resource Management Cost Account Appropriation.....\$	1,101,707
NEW SECTION. Sec. 10. FOR THE EXPO '74 COMMISSION	
General Fund Appropriation: <i>Provided</i> , That \$110,000 is for a state environmental program exhibit and a like amount is transferred from the State Trade Fair Fund to the General Fund pursuant to Chapter 93, Laws of 1972 ex. sess.: <i>Provided further</i> , That \$200,000 is for an Afro-American Pavilion at the Expo '74 Worlds Fair to be matched by at least an equal amount of funds from federal, local, and private sources.....\$	310,000
NEW SECTION. Sec. 11. FOR THE WASHINGTON FUTURE PROGRAM	
Appropriated to:	

DEPARTMENT OF ECOLOGY

General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess., (Referendum 26), for up to fifteen percent of the overall cost of any project except that (1) the state portion of solid waste management, lake rehabilitation, or irrigation return flows may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities.....\$ 29,623,000

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27): *Provided*, That (1) The state portion of water supply projects may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities....\$ 6,430,688

NEW SECTION. Sec. 12. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation for General Apportionment: *Provided*, That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled—1.0; each full time equivalent student enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the state Superintendent, an added—1.0; all identified culturally disadvantaged children receiving an approved program, an added—1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts shall be used; for school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1972-73 school year: *Provided*, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 biennium unless their enrollment exceeds 250 students in grades 9-12 or for nonhigh districts unless their enrollment exceeds 100 students: *Provided*, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation; full time equivalent students residing on tax exempt property (Chapter 130, Laws of 1969), an added—25; full time equivalent students in an approved interdistrict cooperative program (Chapter 130, Laws of 1969), an added—25: *Provided*, That an amount not to exceed \$345,020 is included for the five vocational-technical institutes: *Provided*, That no portion of these funds shall be allocated to a school district which expends or anticipates expending moneys in excess of their certified budget or budget extensions thereto as filed with the office of the Superintendent of Public Instruction and the Board of Education: *Provided*, That \$2,296,650 is included for allocation to local school districts outside the school apportionment formula for the purpose of funding the difference between funds received to date and hereafter through the school apportionment formula for continuation of the \$40 per month salary increase provided for classified employees February 1, 1973 and the amount necessary for such continuation: *Provided*, That it is the intent of the

Legislature that no salary increase shall be granted beyond the \$2,296,650 noted previously as a result of this entire 1974 supplemental appropriation act: *Provided*, That \$2,685,816 shall be used exclusively for the reimbursement to local school districts for increased transportation costs: *Provided*, That the Superintendent of Public Instruction shall withhold from the amounts otherwise to be distributed through the apportionment formula to the districts any funds in excess of such 1973-74 revenues unless such districts demonstrate that excess maintenance and operations levies have been reduced to a comparable level with 1973-74 school district revenues: *Provided further*, That the Superintendent of Public Instruction shall consult with the House and Senate Ways and Means Committees prior to taking any action in compliance with this proviso and the determination of such committees shall be interpreted as a directive to the Superintendent of Public Instruction.....\$ 108,509,483

LIBRARY

General Fund Appropriation: *Provided*, That \$1,336,000 of this amount shall be allotted to local library districts to replace local property tax revenues and maintain present levels of library services: *Provided further*, That \$1,669,353 of this amount shall be from federal funds of which \$1,408,620 is available for library services and \$260,773 is available for capital construction purposes and any federal funds received in excess of such amounts shall not be expended unless authorized by the Senate and House Ways and Means Committees of the Legislature, if in session..\$ 4,498,691

NEW SECTION. Sec. 13. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Community College Capital Projects Account Appropriation: *Provided*, That funds are made available from release of current reserve requirements, as retained in the Community College Bond Retirement Fund, contingent upon refinancing of revenue tuition bonds to full faith in credit bonds under HJR 52: *Provided further*, That such funds released shall only be used for the purchase of equipment, and for such other purchases as set forth in RCW 28B.50.360.....\$ 5,000,000

NEW SECTION. Sec. 14. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	From the Community College Capital Improvements Account	From the Community College Capital Projects Account
(1) For an inflationary adjustment to 1973 approved projects. No expenditure shall be made until individual project review by Office of Program Planning and Fiscal Management.....	\$ 2,465,778	
(2) Construct classrooms, science labs, faculty offices, learning resource center, administration, dining and storage space at Olympia Vocational Technical Institute	\$ 1,382,377	\$ 222,000
(3) Working drawings for vocational facilities, a learning resource center, faculty and administrative offices, and classroom at Spokane Community College (Mission Campus).....	\$ 282,957	
(4) Working drawings for administrative space, remodeling the learning resource center, and a new welding facility at Green River Community College	\$ 40,216	
(5) Working drawings for vocational facilities, learning resource center space and remodeling of present library at Lower Columbia Community College	\$ 75,967	
(6) Working drawings for vocational facilities,		

science labs and faculty offices at Everett Community College	\$	64,737		
(7) Working drawings for vocational facilities, additions to the library and dining facilities and remodeling of the library at Peninsula College	\$	20,756	\$	5,654
(8) Working drawings for dining, office, health, bookstore, study space, and remodeling of existing facility at Columbia Basin College.....			\$	48,272
(9) Working drawings for a library addition, student dining and activity space, and remodeling at Spokane Community College (Spokane Falls Campus)	\$	18,167	\$	59,468
(10) Working drawings for vocational facilities and faculty offices in Unit C at the South Seattle campus of Seattle Community College.....	\$	24,229		
(11) Working drawings for dining and office space at Ft. Steilacoom Community College....	\$	7,481	\$	17,455
(12) Working drawings for dining space and remodeling at Yakima Valley College.....			\$	22,839
(13) Working drawings for dining space, science labs, and physical education space at Edmonds Community College	\$	85,312	\$	16,250
(14) Working drawings for learning resource center and related office space at Olympic College	\$	30,719		
(15) Working drawings for student activity space at Walla Walla Community College.....	\$	23,059		

NEW SECTION. Sec. 15. FOR THE STATE PARKS AND RECREATION COMMISSION

	From the Fund Designated	From the General Fund
For development of Snowmobile Facilities and for safety improvements at Moran State Park..		\$ 30,300

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF FISHERIES

	From the Fund Designated	From the General Fund
(1) For the construction of the Elwha spawning and egg incubation channel or such other capital facilities as needed to restore Elwha salmon run		\$ 280,000
(2) For capital construction and improvements at Minter Creek Hatchery that will result in sports fishery enhancement.....		\$ 200,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF GAME

	Reappropriations	From the General Fund
General Fund Outdoor Recreation Account 1971-73 biennium	\$ 362,993	

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF NATURAL RESOURCES

	From the Fund Designated	From the General Fund
(1) For capital facilities at Larch Mountain Honor Camp General Fund CEP&RI Account.....	\$ 200,000	
(2) For nursery reforestation and timber sale capital facilities		

Resource Management Cost Account.....	\$	1,777,000	
(3) For reforestation access road construction			
General Fund Forest Development Account..	\$	200,000	
NEW SECTION. Sec. 19. FOR THE EASTERN WASHINGTON STATE COLLEGE			
			From the General Fund
			From the Fund Designated
For minor remodeling of Martin Hall Eastern Washington State College Capital Projects Ac- count	\$	35,000	

Sec. 20. Section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE COLLEGE			
General Fund Appropriation: <i>Provided</i> , That up to [\$100,000] \$146,000 of this appropriation shall be made available for establishment and support of a Master of Social Work graduate program during the 1973-75 biennium	\$	[20,983,044]	21,029,044
General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (SSB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel	\$		684,383

Sec. 21. Section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE			
General Fund Appropriation: <i>Provided</i> , That Central Washington State College may expend an amount not to exceed \$125,000 to explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies: <i>Provided further</i> , That \$492,284 of this appropriation shall remain unexpended at the end of the 1973-75 biennium	\$		22,148,218
General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (SSB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel	\$		850,876

Sec. 22. Section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON STATE COLLEGE			
General Fund Appropriation: <i>Provided further</i> , That \$456,130 of this appropriation shall remain unexpended at the end of the 1973-75 biennium \$			25,530,776
General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (SSB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel	\$		1,032,000

NEW SECTION. Sec. 23. There is hereby appropriated out of funds made available to this state under section 903 of the Social Security Act, as amended, the sum of five hundred thousand dollars, or so much thereof as may be necessary, to be used under the direction of the commissioner of the employment security department for the purpose of paying the legally authorized and required salaries and fringe benefits, including prior biennium employer contributions to the Public Employees Retirement System for retirement service credits, to the employees of the employment security department of the state of Washington in the event and to the extent that the United States or its agents fail or refuse to supply sufficient current obligational authority to make such payments at the staff level in effect for such department on February 1, 1974, for the remainder of the 1973-1975 biennium: PROVIDED, That no part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning on the date of enactment of this 1974 amendatory act: PROVIDED FURTHER, That the amount obligated pursuant to this 1974 amendatory act during any twelve-month period beginning on July 1st and ending on the next June 30th shall not exceed the amount by which (1) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act

during such twelve-month period and the twenty-four preceding twelve-month periods exceeds (2) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such twenty-five twelve-month period.

NEW SECTION. Sec. 24. The Office of Program Planning and Fiscal Management is hereby authorized and directed to transfer 1973-75 General Fund allotments from the Superintendent of Public Instruction to the Council on Higher Education after passage of Chapter . . . (SB 3159), Laws of 1974 . . . ex. sess. on the effective date of such chapter, as follows:

(1) So much of the \$5,000 appropriation to the Superintendent of Public Instruction remaining unexpended from the appropriation made in chapter 134, Laws of 1973 1st ex. sess. for assistance to blind students as provided for in RCW 28B.10.215; and

(2) \$7,500 from the appropriation made in chapter 134, Laws of 1973 1st ex. sess. for the Superintendent of Public Instruction (Including Board of Education) to implement the provisions of Chapter . . . (SB 3159), Laws of 1974 . . . ex. sess.

NEW SECTION. Sec. 25. On and after the effective date of this 1974 amendatory act, but not later than March 31, 1974, it is the intent of the legislature that each and every agency of state government, in cooperation with the Office of Program Planning and Fiscal Management, shall abolish all full time personnel authorizations which were either unfilled or unfunded as of December 31, 1973, except that such unfilled or unfunded personnel authorizations as are funded under the provisions of this 1974 amendatory act or any concurrent act of this third extraordinary session of the Forty-third legislature shall not be affected by the provisions of this section: PROVIDED FURTHER, That such savings as determined by the Office of Program Planning and Fiscal Management, achieved by such action, shall be lapsed to reserve and remain unexpended.

NEW SECTION. Sec. 26. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION – General Fund Appropriation: PROVIDED, That General Fund surplus revenues from all sources, excluding Federal funds, for the 1973-75 biennium in excess of \$2,200,276,000, but not to exceed \$20 million, as determined by the Department of Revenue, State Treasurer and the Office of Program Planning and Fiscal Management shall be credited to the Superintendent of Public Instruction for General Apportionment purposes.

NEW SECTION. Sec. 27. FOR THE LAW ENFORCEMENT AND FIRE FIGHTER TRUST FUND: PROVIDED, That General Fund agency reversion of funds appropriated for expenditure during the 1973-75 biennium, excluding Federal Funds, but not to exceed \$35 million, as determined by the Office of Program Planning and Fiscal Management, shall be credited to the State Treasurer for deposit to the Law Enforcement and Fire Fighter Trust Fund.

NEW SECTION. Sec. 28. The receipt of federal or other funds which are not anticipated by the governor's supplemental budget or in the appropriations enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources. Any state funds replaced by federal or other receipts shall be placed in reserve to the credit of the appropriate state fund or account, and shall not be expended, unless authorized by the legislature.

NEW SECTION. Sec. 29. It is the intention of the legislature that the term "agencies" as used in section 86, chapter 137, Laws of 1973 1st ex. sess. for the purposes of authorizing an additional state contribution to employees health insurance shall include the employees of the Public Pension Commission, Office of the Governor, Lieutenant Governor, Supreme Court, State Law Library, Court of Appeals, Administrator for the Courts, and the Judicial Council.

NEW SECTION. Sec. 30. In addition to any funds contained in this 1974 amendatory act, appropriations made by the Legislature may be expended for programs set forth in chapter 137, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 31. This 1974 amendatory 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 Bailey: "Senator, you just said that the cigarette taxes were raised in this bill?"

Senator Atwood: "No, I meant the revenues. I am sorry. The vets' bonus revenues. It is item number two on mine and I think it is the fourth or fifth item in Senate Ways and Means. I am sorry."

MOTION

Senator Durkan moved that the amendment by Senators Atwood and Newschwander be referred to the Committee on Ways and Means.

Debate ensued.

There being no objection, the motion by Senator Durkan was withdrawn.

MOTION

Senator Bailey moved that the amendment by Senators Atwood and Newschwander be laid upon the table.

Senator Scott demanded a roll call, and the demand was sustained by Senators Twigg, Day, Whetzel, Atwood, Bailey, Talley, Guess, Wanamaker and Scott.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey carried and the amendment by Senators Atwood and Newschwander was laid upon the table by the following vote: Yeas, 29; nays, 17; excused, 2.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—29.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel—17.

Excused: Senators Stortini, Woodall—2.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President and lady and gentlemen of the Senate, I have only one comment to make with respect to the budgetary matters in general as distinguished from the particular matter which is before us today. There has been delivered to Senator Durkan and Senator Donohue certain information with respect to federal funding of various programs and the indication has included potential dates of forwarding of these federal funds to the state, which federal funds would be used for matching money and/or implementation of new programs. It is a very definite possibility that we will have all that information very shortly, which will enable us to consider whether we should allow any such new programs or whether we may make adjustments in this budget as a consequence of our knowledge with respect to these new federal funds. And I for one would reserve the right and those who could do so here now with respect to further consideration and reopening of the whole budgetary problem when we do have those facts and figures before us."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, would you restate what rights you are reserving, for the record?"

Senator Mardesich: "I am reserving the right to further reopen the whole budget question, Senator Rasmussen."

Senator Rasmussen: "On the basis that the federal funds will be decreased?"

Senator Mardesich: "Increased."

Senator Rasmussen: "It will be increased?"

Senator Mardesich: "Yes, sir. Which may be able to result in a savings of general fund moneys in excess of twenty million dollars."

Senator Rasmussen: "And what approximate date do you anticipate this information, before April?"

Senator Mardesich: "We now have received that information, as of just the other day a letter was forwarded to us with that information."

MOTION

Senator Bailey: "Mr. President, I would move that Senator Mardesich's remarks be put in the record as a matter of personal remarks because we had nothing before the Senate at the time."

The President: "If there are no objections, it is so ordered."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Mardesich yield to a question? Senator, are you referring at all to any kind of a secret agreement between the Speaker of the House and the majority party here in the Senate in these remarks as regards the April session?"

Senator Mardesich: "I have no secrets, Senator Lewis. You of all people should know that."

Senator Lewis (Harry) moved adoption of the following amendment:

On page 29, line 28, insert the following new section:

"NEW SECTION. Sec. . . . Notwithstanding any other provisions of law, there shall be a moratorium on state agency hiring effective February 15, 1974: PROVIDED, That such moratorium shall not apply to state correctional institutions: PROVIDED FURTHER, That the Office of Program Planning and Fiscal Management, with the concurrence of the Legislative Budget Committee, shall plan such moratorium in such a manner as to insure the maintenance of essential services of state agencies involved within the purview of this act."

POINT OF INQUIRY

Senator Bottiger: "Will Senator Lewis yield to a question? Senator Lewis, in both the Durkan budget and the Atwood budget there was a provision for increasing the staff characteristics at the soldiers' home at Retsil and Orting, putting on some thirty-two new positions and funding them. As I read your proposed amendment you would then put a moratorium on that hiring since it would come after February 15, and we could not hire them even though we just appropriated the money."

Senator Lewis (Harry): "No, that is incorrect, Senator Bottiger. If you read the last two lines it says that such plans, such moratorium in such a manner as to insure the maintenance and essential services of state agencies involved within the purview of this act. In direct answer to your question, the intent of this amendment, if you want further clarification for the record, the intent of this amendment is to permit OPP&FM to develop an overall engineered state plan of holding personnel as close to the present level as is practicable. In those specific instances that we have authorized within the budget, it is not any intent of this amendment to curtail those. What I am talking about specifically is an example of the Department of General Administration, for instance in the area of purchasing. If they are short a purchasing agent now, the procedure would be that OPP&FM would look at the entire purchasing department, make a determination as to whether or not they could, by shifting loads around, handle the problems of the state in a proper manner. And OPP&FM has assured us that they can and would do this."

Senator Bottiger: "Senator Lewis, with your explanation I still am very much concerned about the use of the phrase 'to insure the maintenance of essential services,' when it is clearly our intent to improve an essential service with the appropriation to those two

soldiers' homes and it causes me a great deal of concern in the way this was worded. I appreciate your expression of intent, though."

Further debate ensued.

POINT OF INQUIRY

Senator Greive: "Would Senator Lewis yield? Senator, I am not on Ways and Means. I did not hear the original discussion that went into the amendment, but I understand it is going to be vetoed, but I would like a little further explanation of how you contemplate this amendment, how you think that is going to work, what effect that is going to have."

Senator Lewis (Harry): "Thank you, Senator Greive. Very simply put and as briefly as I can state it, we would establish a moratorium on state agency hiring as of February 15. From that time on, and that moratorium would not apply to state correctional institutions, the reason being that I think we could have some problems at Walla Walla and I would not want to curtail the hiring there immediately. In all other areas the judgment of OPP&FM working with and in conjunction with the state agency in engineering the location and the services provided by personnel within that department would be instigated prior to any hiring of new personnel. In other words, one of the problems we have is that many of the quits are in the lower, lower areas. The gals who work on the desks. But before any additional hiring was done in the higher levels, OPP&FM would be assured that the public was serviced properly and that the agency could perform the functions that we had assigned it, but we would require such agency, prior to hiring, to work in conjunction with OPP&FM. They have done this on one agency already, two years ago. It provided substantial savings in state government. It guaranteed the services that we said we would provide. The agency itself will not do it unless it is working with an engineering group from OPP&FM. And I feel sure that there would be a substantial savings without reduction in services. That, simply put, is how it would operate."

The motion by Senator Lewis (Harry) failed and the amendment was not adopted.

On motion of Senator Durkan, Engrossed Substitute 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.

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Durkan yield to a question? About how many state employees do we have and do you know approximately what number would receive salary increases under this measure?"

Senator Durkan: "There is about twenty-seven thousand in the general fund and I do not recall the exact amount in the highways fund, but the twenty-two step and below is about seventeen thousand - would be entitled to salary increases under this."

POINT OF INQUIRY

Senator Bottiger: "Would Senator Durkan yield? Senator Durkan, I have discussed with you the problems of property tax refund, as a result of the Valentine case. I notice that this is not in this budget and you made assurances to me that is a problem when we get the answers to it we will have to deal with it."

Senator Durkan: "The staff has already started examining just what the problem is in the Valentine decision as to how many counties are going to be involved, whether or not the statute of limitations has run on some of those counties other than Pierce County, whether or not the moneys which have been expended can be gotten back, what the impact is going to be on certain school districts as a result of the loss of this property tax. When we do get some information which is reliable and stable, I intend to make recommendations to the Ways and Means Committee which will permit this legislature to intelligently discuss it."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3020, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; excused, 2.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—32.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (R. H. "Bob"), Metcalf, Murray, Newschwander, Scott, Sellar, Talley, Wanamaker, Whetzel—14.

Excused: Senators Stortini, Woodall—2.

ENGROSSED SUBSTITUTE 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.

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

REPORTS OF STANDING COMMITTEES

February 2, 1974.

SENATE BILL NO. 2705, relating to food fish and shellfish (reported by Committee on Natural Resources):

Recommendation: That Substitute Senate Bill No. 2705 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 2, 1974.

SENATE BILL NO. 3092, abolishing certain accounts in the general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Lewis (Harry), Marsh, Metcalf, Peterson (Ted), Scott.

Passed to Committee on Rules for second reading.

February 2, 1974.

SENATE BILL NO. 3101, providing for the attachment of fiscal notes to certain bills and resolutions of the legislature (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Lewis (Harry), Marsh, Metcalf, Peterson (Ted), Scott.

Passed to Committee on Rules for second reading.

February 2, 1974.

SENATE BILL NO. 3202, establishing the college work-study program for needy students in post-secondary institutions and public vocational technical schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Higher Education and Committee on Ways and Means.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Lewis (Harry), Marsh, Metcalf, Rasmussen, Sandison, Scott.

Passed to Committee on Rules for second reading.

February 2, 1974.

SENATE BILL NO. 3209, amending the laws relating to taxation of insurance pensions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman, Atwood, Canfield, Lewis (Harry), Marsh, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules for second reading.

February 2, 1974.

SENATE BILL NO. 3257, creating an antitrust revolving fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Marsh, Metcalf, Peterson (Ted), Rasmussen, Sandison, Scott.

Passed to Committee on Rules for second reading.

February 2, 1974.

SENATE BILL NO. 3304, authorizing off-laboratory building at Washington State University Tree Fruit Research Center and providing the financing thereof through issuance of bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Dore, Fleming, Grant, Lewis (Harry), Marsh, Metcalf, Newschwander, Rasmussen, Sandison, Scott, Woody.

MOTION

On motion of Senator Durkan, Senate Bill No. 3304 was referred to the Committee on Rules for second reading.

February 2, 1974.

SENATE BILL NO. 3355, authorizing community college refund bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3355 be substituted therefor and that the substitute bill do pass as recommended by the Committee on Higher Education.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Lewis (Harry), Marsh, Metcalf, Peterson (Ted), Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 2, 1974.

REENGROSSED HOUSE BILL NO. 150, raising mileage allowance for county officers (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Talley, Whetzel.

Passed to Committee on Rules for second reading.

February 2, 1974.

ENGROSSED HOUSE BILL NO. 1173, granting counties power to expend certain moneys (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Talley, Whetzel.

Passed to Committee on Rules for second reading.

February 2, 1974.

HOUSE BILL NO. 1206, transferring the federal revenue sharing trust fund to the state general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Lewis (Harry), Marsh, Peterson (Ted), Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 2, 1974.

ENGROSSED HOUSE BILL NO. 1211, providing for an alternative date for filing of final budgets by port districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Talley, Whetzel.

Passed to Committee on Rules for second reading.

February 2, 1974.

HOUSE BILL NO. 1261, abolishing the motor vehicle excise tax fund and providing for the distribution of motor vehicle excise taxes from the general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Lewis (Harry), Marsh, Peterson (Ted), Rasmussen, Sandison, Scott.

Passed to Committee on Rules for second reading.

February 2, 1974.

ENGROSSED HOUSE BILL NO. 1273, providing for filling of vacancies in fire commissioner positions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Talley, Whetzel.

Passed to Committee on Rules for second reading.

MOTION

At 1:25 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, February 4, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia Wash., Monday, February 4, 1974.

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 Dore, Francis, Mardesich, Rasmussen and Walgren. On motion of Senator Donohue, Senators Rasmussen and Walgren were excused. There being no objection, Senator Mardesich was excused.

The Color Guard consisting of Pages Joe Hare and Barbara Filley presented the Colors. Reverend James S. Dolin, pastor of Emmanuel Baptist Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE THANK YOU FOR THE PRIVILEGE OF CALLING UPON YOUR NAME AND FOR THE PRIVILEGE OF ASKING YOUR DIRECTION AND LEADERSHIP UPON THIS ASSEMBLY HERE THIS MORNING. WE PRAY FOR EACH OF THESE SENATORS AS THEY DISCHARGE THE DUTIES OF THEIR RESPECTIVE OFFICES THIS DAY, MAY THEY BE GIVEN NEEDED WISDOM AND DISCRETION THAT THEY MAY ARRIVE AT THE DECISIONS WHICH WILL BE OF MUTUAL INTEREST AND BENEFIT FOR ALL THE CITIZENS OF THIS GREAT STATE OF WASHINGTON, AND ULTIMATELY WILL BRING HONOR TO THINE OWN NAME. WE PRAY THAT YOUR WILL WILL TRIUMPH IN THIS SESSION AND THROUGHOUT THIS DAY. WE ASK WITH THANKSGIVING, IN THY NAME. AMEN."

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate of the Honorable Carl Gustafson, State Representative from Colorado, and appointed Senators Washington, Peterson (Ted), Atwood and Jolly to act as a special committee to escort the honored guest to a place of honor upon the rostrum.

The President turned the gavel over to Senator Washington to introduce the distinguished guest.

With leave of the Senate, business was suspended to permit Representative Gustafson to address the Senate.

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

REPORTS OF STANDING COMMITTEES

February 1, 1974.

~~ENGROSSED~~ ~~SUBSTITUTE~~ SENATE JOINT RESOLUTION NO. 105, amending the Constitution to provide for annual, interim and extra legislative sessions and to allow the legislature to increase members' salaries (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Second Substitute Senate Joint Resolution No. 105 be substituted therefor and that second substitute joint resolution do pass.

Signed by: Senators Grant, Chairman; Metcalf, *von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

*To insure it gets full hearing on floor.

February 1, 1974.

ENGROSSED HOUSE BILL NO. 474, allowing state, city and county employees to engage in certain political activities (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Grant, Chairman; Metcalf, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

February 2, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, providing standards for detention and correctional facilities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Whetzel.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

Office of the Governor, January 28, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
GENTLEMEN:

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

Mr. Herman Sarkowsky, appointed January 25, 1974 for a term ending January 16, 1975, succeeding Douglas A. Wilson as a member of the Washington State Horse Racing Commission.

Sincerely,
DANIEL J. EVANS
Governor

Referred to Committee on State Government.

MESSAGES FROM THE HOUSE

February 2, 1974.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2046,

SENATE BILL NO. 2574,

ENGROSSED SENATE BILL NO. 2961,

ENGROSSED SENATE BILL NO. 2962, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 2, 1974

Mr. President: The House has passed:

HOUSE BILL NO. 102,

HOUSE BILL NO. 466,

ENGROSSED HOUSE BILL NO. 1423,

HOUSE BILL NO. 1516, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 2, 1974.

Mr. President: The Speaker has signed: SENATE CONCURRENT RESOLUTION NO. 150, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 102, by Representatives Bauer, Berentson, Laughlin, Hansey and Erickson:

Authorizing alternative procedures for payment of condemnation awards subject to benefits setoff.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 466, by Representatives Gilleland, Beck, Berentson, Conner, Hansey and Freeman:

Making it a misdemeanor to operate a vehicle with license plates or tabs not assigned to it.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1423, by Representatives Perry, Kraabel and Beck: Amending the laws relating to tax on ATV fuel.

Referred to Committee on Transportation and Utilities.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3118, by Committee on Transportation and Utilities (originally sponsored by Senator Bottiger):

Assessing penalties on drunk driving cases.

The Senate resumed consideration of Substitute Senate Bill No. 3118 and the amendment by Senators Bottiger and Walgren to page 1, line 7, moved for adoption on Friday, February 1, 1974.

There being no objection, the amendment was withdrawn.

On motion of Senator Bottiger, the following amendments were adopted:

On page 2, line 11, section 1, after "of" and before "any" strike "one hundred dollars in addition to" and insert "twenty-five percent of, and which shall be in addition to,".

On page 2, line 22, section 1, after "offenders." add "Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence."

On motion of Senator Bottiger, Engrossed Substitute Senate Bill No. 3118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Durkan: "Will Senator Bottiger yield to a question? Do your amendments increase the fiscal impact of this bill?"

Senator Bottiger: "The amendments, Senator Durkan, reduce the fiscal impact of the bill. I have attached a fiscal note to the amendments that were passed out which would be the bill as amended. These are not the original fiscal notes that would have been approximately seventy-five percent higher."

Senator Durkan: "I do not find a date on this fiscal note. Is that the 31st, '74?"

Senator Bottiger: "Well, it was prepared Saturday, Senator Durkan. It was prepared Friday or Saturday. I asked Jack Nelson from the department to bring it up to date and supply me with that as soon as possible. I got it Saturday and had it duplicated."

Senator Durkan: "Let me phrase it again. Did the committee have time to consider the increase in fees before it passed the bill out?"

Senator Bottiger: "Senator Durkan, as the bill went out of committee we had a flat

hundred dollar penalty assessment. We considered the impact of that and the fiscal note. When the bill hit Rules we frankly could not get enough votes to get it out of Rules at one hundred dollars because it made it impossible for the judge in certain cases to reduce it. So with the concurrence of the members, I should not say concurrence, but at least with the knowledge of the Rules Committee members we reduced it to twenty-five percent of whatever his penalty would be. The fiscal note explains how they arrived at this figure and that is what I bring to you today and I cannot say that the Transportation Committee had this, no."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3118, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Whetzel, Woodall—42.

Voting nay: Senators Grant, Woody—2.

Absent or not voting: Senators Dore, Francis—2.

Excused: Senators Mardesich, Walgren—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3118, having received the constitutional majority, 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. 1469, by Committee on Agriculture (originally sponsored by Representatives North (Frances), Nelson, Smith, Hoggins, Ceccarelli and Fortson):

Preventing cruelty to animals.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1469 and the following amendment proposed by Senators Durkan and Lewis (Harry) on Friday, February 1, 1974 and the point of order as raised by Senator Jolly on the scope and object of the amendment:

On page 1, section 1, line 12 after "*he*")" and before "*shall*" insert "*or fails to use padded set traps or similar devices approved by the game commission in the trapping of animals*".

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Jolly, the President finds that Engrossed Substitute House Bill No. 1469 is a very broad measure which prohibits any cruel activity to animals, animals as defined by the original statute being amended to include all living creatures except man. The amendment by Senator Durkan states that certain trapping activities would be included within the law. Therefore the amendment does not enlarge the scope and object of the bill."

The amendment by Senators Durkan and Lewis (Harry) was declared to be within the scope and object of the bill.

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "I think, Senator Durkan, you may now answer my question. What

is an enjoyable and painless way to die? I would like to have a little testimony from your own personal experience if I may?"

Senator Durkan: "Well unfortunately, no one here who is going to vote against my amendment is going to have the opportunity to put their foot or leg in a steel jaw trap. That is one of the unfortunate incidents of this amendment. It is going to be very easy to defeat this amendment because the only recipients who are going to feel about a painful way to die are going to be the animals. I recognize that I certainly am in the minority this morning in talking about something such as a padded trap or an offset trap because there is not any painless way to die, but simply put, this type of a trap which has been used and which this Game Department is experimenting on, is less painful, Senator, than the steel jaw trap and is less painful than the gopher trap that you use. The only thing that I can think of is simply that if there is some way to make it less painful for animals if we do have to have predator control, then what is wrong with doing something about it? What is wrong with using a padded trap? What is wrong with using an offset trap? I fail to see why this Senate is opposed to doing something that will make it less painful for animals in the event that we do have to control them. That is simply what my amendment says and that is all it says. It does not say that we are not going to control predators and it does not say that we are not going to continue to trap. And anyone who misunderstands that then simply has not read my amendment. But it does say that we in the Senate have finally decided that we are going to take a less painful way to trap animals, even if we have to dispatch them. That does not seem to be too difficult to me."

Further debate ensued.

POINT OF INQUIRY

Senator Greive: "Will Senator Durkan yield to a question? Senator, I am very much inclined to vote for your amendment. In fact I think it is an excellent idea. The only thing that crossed my mind is, have there been any studies made as to the effectiveness of this particular method of trapping animals?"

Senator Durkan: "There has been. It has been made by many state game departments including our own Game Department who recognize that the padded offset trap is a much more humane way to be used in trapping and it is an Econbear, that is the name of an offset trap. They have decided that it is a method by which it is much less painful to animals when they are trapped and you do not get the gouging of the legs or the tearing off of the legs or things such as that. There are studies on it."

Further debate ensued.

Senator Durkan demanded a roll call and the demand was sustained by Senators Fleming, Bailey, Stortini, Scott, Metcalf, Lewis (Harry), Murray, Wanamaker and Woody.

ROLL CALL

The Secretary called the roll and the amendment by Senators Durkan and Lewis (Harry) was not adopted by the following vote: Yeas, 16; nays, 27; absent or not voting, 4; excused, 1.

Voting yea: Senators Connor, Durkan, Fleming, Greive, Keefe, Knoblauch, Lewis (Harry), Murray, Peterson (Ted), Rasmussen, Sandison, Scott, Stortini, Van Hollebeke, Walgren, Whetzel—16.

Voting nay: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Grant, Guess, Henry, Herr, Jolly, Jones, Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Ridder, Talley, von Reichbauer, Wanamaker, Washington, Woodall, Woody—27.

Absent or not voting: Senators Dore, Francis, Sellar, Twigg—4.

Excused: Senator Mardesich—1.

MOTIONS

On motion of Senator Fleming, Senator Francis was excused.

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

On page 1, section 1, line 10, after "[otherwise,]" and before "animal" strike "[any domestic]" "an" and insert "any domestic".

On motion of Senator Bailey, there being no objection, the amendment on the Secretary's desk by Senator Bailey to page 2, line 1, following section 1 adding a new section was withdrawn.

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

On page 2, line 2, immediately following section 1, add a new section to read as follows:

"*NEW SECTION.* Sec. 2. If the county sheriff shall find that said domestic animal has been neglected by its owner, he may authorize the removal of the animal to a proper pasture or other suitable place for feeding and restoring to health."

Renumber the old section 2 to read "Sec. 3."

MOTIONS

On motion of Senator Durkan, there being no objection, the amendment by Senators Durkan and Lewis (Harry) on the Secretary's desk to page 2, following section 1 adding a new section was withdrawn.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, section 1, line 8, after "confines [,]" and before "or causes" insert "or captures".

On page 1, section 1, line 9, after "transported" and before "or confined" insert "captured".

POINT OF ORDER

Senator Bailey: "Mr. President, I raise scope and object on this amendment now since we have adopted the word 'domestic'."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, I do not believe that it does what Senator Woodall described that he said it would because we have restricted it now only to domestic animals and so I do not see that it hurts the bill but let us put it to a vote and resolve it that way."

RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Bailey believes that Senator Bailey's remarks are correct, inasmuch as the Senate in its judgment amended the bill to include the word 'domestic'."

The amendments proposed by Senator Lewis (Harry) to page 1, section 1, lines 8 and 9 were ruled out of order.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, section 1, line 11, strike "[or unnecessarily painful]" and insert "or unnecessarily painful".

POINT OF INQUIRY

Senator Canfield: "I think this is another entry through the back door and I am referring now to another bill which I have seen floating around here from time to time, Senator Lewis, with regard to fairs and rodeos where you have calf catching and roping and bronc riding and things like that and you might say, 'Well, those are unnecessarily painful.' Now I have never talked to a horse and I do not know how painful it is but I do know that when you catch a calf on the run with a rope and that calf goes end over end it could be, I suppose in your definition, unnecessarily painful. And I am just wondering if you have some idea in mind that you could use this bill to outlaw all the rodeos and activities of that sort where we use animals. Would you care to mention your answer to that?"

Senator Lewis (Harry): "Senator Canfield, I would like to suggest that you read the language in the paragraph you are talking about. It says 'any person who willfully transports or confines or causes to be transported or confined an animal or animals in a cruel or unnecessarily painful manner.' We are talking about transporting or confining. I am talking about four horses tied to a post fifty feet from a river and left to die from thirst. Two of them were dead when they got to that situation. The other two were just barely alive. We are only talking about transporting and confining. It has nothing to do with rodeos which I enjoy watching very much. And all I am suggesting in this amendment is that the word 'cruel' is a difficult one to define and we should reinstate, the same way as we reinstated the word 'domestic', the words 'or unnecessarily painful' because it is part of the old language. It did not effect anybody in agriculture over all the years and this new bill has taken it out. You have had it all this time and so now today to try to read an interpretation that I am trying to stop rodeoing is really an error. Senator, I am not trying to do that, I assure you."

POINT OF INQUIRY

Senator Day: "Would Senator Canfield yield? Senator, I have not been riding horseback lately but I used to be quite an ardent fan of it and although I have a long bar in my saddle and use the proper horsehair pad and everything, would you consider my riding a horse cruel and unusual punishment?"

Senator Canfield: "Mr. President, I decline to answer. I do not have all the data in mind. It could be."

The motion by Senator Lewis (Harry) carried and amendment was adopted.

Senator Woodall moved adoption of the following amendment:

On page 1, section 1, line 12, after "of a" strike "gross".

MOTION

On motion of Senator Bailey, the Senate will consider the amendment proposed by Senator Woodall and the amendment by Senator Woody simultaneously.

Senator Woody moved adoption of the following amendment:

On page 1, section 1, line 12, after "misdemeanor" strike the balance of the material down through and including "imprisonment" on line 14.

POINT OF INQUIRY

Senator Durkan: "Senator Woody, what are the criminal penalties on a misdemeanor?"

Senator Woody: "I knew somebody was going to ask that. I do not commit mere misdemeanors. I do not recall. Ninety days, two hundred and fifty dollars, my counsel says."

The motions by Senators Woodall and Woody carried and the Senate adopted the amendments simultaneously.

MOTIONS

On motion of Senator Canfield, there being no objection, the amendment to page 1, section 1, line 10 on the Secretary's desk was withdrawn.

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

On line 2 of the title, after the semicolon following RCW 16.52.080 insert "adding a new section to chapter 16.52 RCW;"

On motion of Senator Bailey, Engrossed Substitute House Bill No. 1469, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, this has been hashed and rehashed and it ought to pass in a hurry, I hope, so we can go to lunch. I want to comment on one thing, however, that if

the Governor in his exercising of his veto powers should strike that word 'domestic' I think the Senate is pretty well on record here today as to the intent of the Senate and it would be another proof of the need to override the power of the Governor in item veto."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, I would certainly agree with Senator Bailey in this regard. The Senate has spoken, although I would say that there was a substantial amount of support for the issue it is very clear that this was not the purpose and I would personally ask him not to do that, Senator Bailey. I urge that we pass this legislation which is vitally needed."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1469, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-45.

Absent or not voting: Senators Dore, Guess-2.

Excused: Senator Mardesich-1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, as amended by the Senate, having received the constitutional 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 Bailey, Engrossed Substitute House Bill No. 1469, as amended by the Senate, was ordered immediately transmitted to the House.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2046,

SENATE BILL NO. 2574,

SENATE BILL NO. 2961,

SENATE BILL NO. 2962.

MOTION

At 12:20 p.m., on motion of Senator Bailey, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 4, 1974.

REENGROSSED HOUSE BILL NO. 385, establishing animal technicians, allowing state veterinary board to employ a secretary, and providing for suspension or revocation of veterinary license if revoked in another state (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Sellar, Twigg.

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1031, adding new members to the agricultural pesticide advisory board (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Sellar, Twigg, Washington.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1240, removing certain meat dealers fees (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Sellar, Twigg, Washington.

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1373, making changes in the laws controlling noxious weeds (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Sellar, Twigg, Washington.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1388, making certain changes in the laws relating to food packaging (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Sellar, Twigg, Washington.

Passed to Committee on Rules for second reading.

PARLIAMENTARY INQUIRY

Senator Guess: "On the last legislative day I had given notice of reconsideration on Senate Bill No. 3360. I would like to ask the status of the motion to reconsider it and see if it carries over until tomorrow."

REPLY BY THE PRESIDENT

The President: "Yes, Senator Guess."

REMARKS BY SENATOR LOWELL PETERSON

Senator Peterson (Lowell): "Mr. President and members of the Senate, there is a substitute Senate bill to 3360 that has just been placed upon your desks and inasmuch as Senator Guess has moved this bill over to tomorrow I suggest that the members look at it. It might be more palatable than what we considered Saturday."

MOTION

At 1:40 p.m., on motion of Senator Bailey, the Senate adjourned until 10:00 a.m., Tuesday, February 5, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, February 5, 1974.

The Sénate 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 Durkan, Greive and Twigg. On motion of Senator Bailey, Senator Durkan was excused. On motion of Senator Scott, Senator Twigg was excused. There being no objection, Senator Greive was excused.

The Color Guard, consisting of Pages Matt Durkan and Rita Van Hollebeke, presented the Colors. Reverend James S. Dolin, pastor of Emmanuel Baptist Church of Olympia, offered the following prayer:

“OUR HEAVENLY FATHER, WE THANK YOU FOR THE PRIVILEGE OF INVOKING YOUR PRESENCE UPON THIS ASSEMBLY OF LAWMAKERS HERE TODAY. WE THANK YOU FOR THEIR DEDICATION AND CONCERN FOR THE AFFAIRS OF OUR STATE AND OUR COUNTRY. WE ARE AWARE THAT THE DECISIONS REACHED IN THIS ASSEMBLY HERE TODAY WILL TOUCH THE LIVES OF EVERY CITIZEN IN OUR STATE, AND IN A LARGE SENSE WILL BE RESPONSIBLE FOR THE SETTING OF THE ECONOMIC, MORAL, SOCIAL AND THE SPIRITUAL CLIMATE IN WHICH WE LIVE, LEAD OUR FAMILIES AND REAR OUR CHILDREN. THEREFORE, WE HUMBLY ASK THAT EACH MEMBER OF THIS ASSEMBLY HERE TODAY BE GIVEN A SPECIAL CONSCIOUSNESS OF THYSELF, THAT EACH ONE MAY BE GIVEN WISDOM AND UNDERSTANDING FROM THEE, AS THIS BODY CONSIDERS THE ITEMS UPON THE AGENDA TODAY. MAY EACH DECISION BE MADE UNDER THY COUNSEL, AND LEADERSHIP, AND MAY ALL DECISIONS BE FOR THE BENEFIT AND GOOD OF ALL THE CITIZENS OF OUR STATE. WE ASK THESE BLESSINGS WITH THANKSGIVING, IN THY NAME. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 1974.

ENGROSSED HOUSE BILL NO. 556, providing for student participation in community college tenure process (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman: Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 717, relating to compensation of the organized militia (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senator Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 767, eliminating seniority as a basis for promotion in the state military (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 799, providing that county may let contract up to \$3,000 without bid (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 4, 1974.

SENATOR GORDON SANDISON, to the position of Member of the Western Interstate Commission for Higher Education, appointed by the Governor on July 6, 1973 for the term ending June 9, 1977, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Mardesich, the appointment of SENATOR GORDON SANDISON as a member of the Western Interstate Commission for Higher Education was confirmed.

APPOINTMENT OF SENATOR GORDON SANDISON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Excused: Senators Durkan, Greive, Twigg—3.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President and members of the Senate, I wish to apologize for being late and as committee chairman, we have had committee meetings and if I had been here I would have told you that Senator Sandison answered all questions put to him by the committee in a forthright manner and assured us that the committee that he was being confirmed to was doing an excellent job and the committee agreed with him. So I do want

to apologize to this body that I did not give them a good report on Senator Sandison before the vote. I am happy to do it after the vote.”

MESSAGE FROM THE GOVERNOR

Office of the Governor, January 31, 1974.

TO THE HONORABLE, THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF WASHINGTON.

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the adjournment of the First Extraordinary Session of the Forty-third Session of the Legislature.

MERCIE D. WILSON—Mercie D. Wilson was found guilty of the crime of Murder in the First Degree by the Superior Court of the State of Washington for King County, and she was thereafter sentenced to a term of not more than her natural life in such penal institution or correctional facility as the Director of Institutions were to deem appropriate. She served in excess of seven years in prison, most recently at the Purdy Treatment Center for Women, where her conduct and record were exemplary. Substantial additional incarceration would have been required under the law before she could be eligible for parole pursuant to the authority of the Board of Prison Terms and Paroles.

Petitions were submitted to me on her behalf urging that the life sentence of Mercie D. Wilson be commuted so that she would be eligible for parole on the grounds that she is clearly able to assume a responsible role in society, is demonstrably rehabilitated and will not constitute a threat to other persons. The petitions for commutation of sentence were supported by the Superintendent of the Purdy Treatment Center for Women, the King County Superior Court Judge who presided at her trial and the State Board of Prison Terms and Paroles.

On July 11, 1973, after concluding that further incarceration of Mercie D. Wilson would not be in the best interest of her or society, I commuted the life sentence of Mercie D. Wilson and thereby authorized the Washington State Board of Prison Terms and Paroles to consider her parole subject to the complete control, supervision and authority of that Board.

DAVID M. SINCLAIR—David M. Sinclair was found guilty of the crime of Murder in the First Degree by the Superior Court of the State of Washington for King County on March 18, 1966, and he was thereafter sentenced to a term of life imprisonment for such crime.

David M. Sinclair served in excess of seven years in prison, and since August 19, 1966, at the Washington State Reformatory in Monroe where his conduct and record have been exemplary. Because of the statutory minimum sentence provided in RCW Chapter 9.95, substantial additional incarceration would have been required before he could be eligible for parole pursuant to the authority of the Board of Prison Terms and Paroles.

Petitions were submitted to me on behalf of David M. Sinclair urging that his life sentence be commuted so that he would be eligible for parole on the grounds that David M. Sinclair is clearly able to assume a responsible role in society, is demonstrably rehabilitated and will not constitute a threat to other persons and will not be benefited by further incarceration. The Board of Prison Terms and Paroles recommended to me that the life sentence of David M. Sinclair should be commuted.

On November 30, 1973, after concluding that further incarceration of David M. Sinclair would not be in the best interests of society or of himself, I commuted the life sentence of David M. Sinclair and thereby authorized the Board of Prison Terms and Paroles to consider his parole subject to the complete control, supervision and authority of that Board.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

MESSAGES FROM THE HOUSE

February 4, 1974.

Mr. President: The House has passed:
 REENGROSSED SENATE BILL NO. 2095,
 SUBSTITUTE SENATE BILL NO. 2120,
 SENATE BILL NO. 2937,
 SENATE BILL NO. 3029,
 SUBSTITUTE SENATE BILL NO. 3032,
 ENGROSSED SENATE JOINT MEMORIAL NO. 134, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2095,
 SUBSTITUTE SENATE BILL NO. 2120,
 SENATE BILL NO. 2937,
 SENATE BILL NO. 3029,
 SUBSTITUTE SENATE BILL NO. 3032,
 SENATE JOINT MEMORIAL NO. 134.

February 4, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268, by Committee on Ways and Means-Revenue (originally sponsored by Representatives Randall, Hoggins, Ehlers, Luders and Curtis):

Exempting school districts from having to contract for services from fire protection districts.

Referred to Committee on Education.

HOUSE BILL NO. 1516, by Representatives McCormick and Luders:

Expediting certification of thermal power plant sites and lines.

Referred to Committee on Ecology.

MOTION

On motion of Senator Mardesich, the following bill was referred to the Committee on Rules:

SENATE BILL NO. 3030, by Senators Odegaard and Day:

Making changes in the law relating to mental illness.

SECOND READING

SENATE BILL NO. 3192, by Senators Donohue, Mardesich, Sandison, Walgren, Day, Guess and Washington:

Providing for review of agency rules by the legislature.

The Senate resumed consideration of Senate Bill No. 3192. On Thursday, January 31, 1974 the committee amendments were adopted. Senator Donohue moved adoption of an amendment to page 2, section 2, line 16 at that time. On Friday, February 1, 1974, the amendment by Senator Donohue was adopted.

Senator Donohue moved adoption of the following amendment by Senators Donohue and Whetzel:

On page 2, section 2, line 4 strike all material down to "session." on line 18 and substitute:

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

(2) All such rules and regulations, except emergency rules adopted pursuant to RCW 34.04.030, shall be submitted by the adopting agency to the standing rules committees of the legislature at least 20 days before such rules are filed with the code reviser pursuant to section 1 of this 1974 amendatory act. The standing rules committees shall refer such rules to the appropriate standing committees of the senate and the house of representatives, or to a joint committee designated by the standing rules committees for substantive review and approval.

(3) If the appropriate committee of the senate and house of representatives or joint committee has failed to approve a rule or agency regulation submitted to it within thirty days after such submission the code reviser may file such rule or regulation if the attorney representing the agency involved files an affidavit of non-action by the appropriate committee of the senate or house stating that no action was taken within the thirty day period specified herein.

(4) If the appropriate committees shall reject a proposed rule as not being within the intent of the statute purporting to authorize the adoption thereof, such rejection shall be by majority vote of all the members of both such committees or of the joint committee. The agency affected shall be notified of such rejection and the reasons therefor, and the effective date of the rules suspended for a maximum of 30 days. If at the end of 30 days the agency affected and the appropriate legislative committees have not reached agreement as to the form or content of the proposed rule, it shall become effective as provided in chapter 34.04 RCW and the appropriate committees shall report to the code reviser any proposal for corrective action by the legislature.

(5) The code reviser shall submit a [A] comprehensive report of all said [biennial] reviews with recommendations [shall be submitted] to the members of the legislature ten days prior to the start of each [regular] session."

Debate ensued.

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

On motion of Senator Donohue, Engrossed Senate Bill No. 3192 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3192, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Waigren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Peterson (Lowell)—1.

Excused: Senators Durkan, Greive, Twigg—3.

ENGROSSED SENATE BILL NO. 3192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2401, by Senators Woody and Knoblauch:
Providing for personalized license plates.

REPORT OF STANDING COMMITTEE

January 23, 1974.

SENATE BILL NO. 2401, providing for personalized license plates (reported by Committee on Parks and Recreation):

Recommendation: Do pass with the following amendments:

On page 1, line 18, section 1, strike "[nine] six" and insert "nine".

On page 1, beginning on line 23, section 1, after "[governor.]" strike all of the material down to and including "governor." on page 2, line 3 and insert "(1) The administrator of the department of natural resources, or his designee; (2) the director of the department of game, or his designee; (3) the director of the department of fisheries, or his designee; (4) the director of the department of ecology, or his designee; (5) the secretary of the department of social and health services, or his designee; (6) the superintendent of public instruction, or his designee; (7) one member of the state board for community college education; (8) the administrator of the department of employment security, or his designee; and (9) one citizen member appointed by the governor who shall serve as chairman."

On page 2, beginning on line 8, section 1, after "duties." strike "The committee shall name one of its members as chairman." and insert "[The committee shall name one of its members as chairman.]"

On page 3, beginning on line 9, strike the remainder of the bill and insert the following:

"Sec. 4. Section 43.51.570, chapter 8, Laws of 1965 as amended by section 85, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.51.570 are each amended to read as follows:

The commission may, by agreement with an individual or company enroll and supervise additional young persons, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least [forty] five years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use."

On page 1, line 8 of the title, after "1965" and before "and" insert "as amended by section 85, chapter 154, Laws of 1971 1st ex. sess." and after "RCW 43.51.570" insert a period and strike the remainder of the title.

Signed by: Senators Knoblauch, Chairman; Bailey, Canfield, Jones, Odegaard, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments to pages 1 and 2 were adopted.

Senator Woody moved adoption of the committee amendment to page 3.

PARLIAMENTARY INQUIRY

Senator Metcalf: "I would like to ask the effect of Senator Woody's amendment before we spend very much time on mine."

REPLY BY THE PRESIDENT

The President: "The committee amendment strikes the section that you propose to amend, Senator Metcalf."

There being no objection, the amendment by Senator Metcalf to page 5, line 2 was withdrawn.

The motion by Senator Woody carried and the committee amendment to page 3 was adopted.

Senator Woody moved adoption of the following amendment by Senators Walgren and Rasmussen.

On page 3, following the committee amendment adding new section 4 insert:

"Sec. 5. Section 7, chapter 200, Laws of 1973, 1st ex. sess. and RCW 46.16.585 are each amended to read as follows:

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: *PROVIDED, That any person who acquired such plates prior to December 6, 1973, and continuously held them, may renew his plates without the payment of the additional fee of twenty dollars.*

Any person who fails to pay, prior to the end of the renewal period established by RCW 46.16.200, the twenty dollar additional renewal fee when required by this section shall be deemed to have released his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates, and shall surrender such plates to the department forthwith."

On motion of Senator Metcalf, the following amendment to the amendment by Senators Walgren and Rasmussen was adopted:

Amend the amendment to page 3, adding a new section 5, as follows:

On line 13 of the amendment, after "dollars" and before the period insert " : *PROVIDED FURTHER, That a special license plate series shall be provided, which is uniformly and exclusively available upon request and payment of the regular fee to any Washington State National Guardsman, and that the special fees required by this section shall not be applicable to a member of the Washington State National Guard applying for a special license plate"*.

The motion by Senator Woody carried and the amendment by Senators Walgren and Rasmussen, as amended, was adopted.

On motion of Senator Woody, the following amendments by Senators Walgren and Rasmussen were adopted:

Following new section 5 add the following:

"*NEW SECTION.* Sec. 6. There is added to chapter 46.16 RCW a new section to read as follows:

Any person who acquired personalized license plates prior to December 6, 1973, and did not renew such plates for the 1974 calendar year solely on the basis of refusal to pay the additional twenty dollar renewal fee, may, prior to April 1, 1974, apply to the department for reissuance of his surrendered plates. Upon receipt of such application accompanied by an affidavit averring that the sole ground for the nonrenewal of his plates was his refusal to pay the additional twenty dollar renewal fee, the department shall reissue the surrendered plates to the applicant and shall assess no fee for such reissuance. For the purposes of RCW 46.16.585 any such applicant shall be considered to have continuously held such personalized plates.

NEW SECTION. Sec. 7. There is added to chapter 46.16 RCW a new section to read as follows:

Any person who is deemed to have released his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates or who releases such priority by surrendering his plates to the department may obtain replacement regular license plates pursuant to RCW 46.16.270, as law now or hereafter amended, but shall be exempt from the fees required therein.

Sec. 8. Section 9, chapter 200, Laws of 1973, 1st ex. sess. and RCW 46.16.595 are each amended to read as follows:

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired passenger motor vehicle pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith [, and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates].”

On motion of Senator Woody, the committee amendment to the title was adopted.

On motion of Senator Woody, the following amendment to the title by Senators Walgren and Rasmussen was adopted:

On line 8 of the title after “RCW 43.51.570;” insert: “amending RCW 46.16.585, section 7, chapter 200, Laws of 1973, 1st ex. sess. and RCW 46.16.585; amending RCW 46.16.595, section 9, chapter 200, Laws of 1973, 1st ex. sess. and RCW 46.16.595;”

On motion of Senator Woody, Engrossed Senate Bill No. 2401 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Newschwander: “With the adoption of the Walgren-Rasmussen amendments and one of them as amended by Senator Metcalf referring to personalized license plates, does this require a two-thirds vote on final passage? I think that we have amended Referendum 33 that was on the ballot last November . . .”

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: “Mr. President, speaking to Senator Newschwander’s point, we questioned that and were informed Senator Newschwander, it was not an initiative, it was a referendum put to the people which merely took a majority vote to adopt. Now maybe you have other information.”

REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: “I think if you would refer to Article II, Section 41, the Twenty-sixth Amendment, ‘No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within two years.’ With a two-thirds vote.”

REPLY BY THE PRESIDENT

The President: “Senator Newschwander, your point is well taken. It will require a two-thirds majority.”

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2401, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senators Durkan, Greive—2.

ENGROSSED SENATE BILL NO. 2401, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED SENATE BILL NO. 2366, by Senator Grant:
 Relating to legislative redistricting.

REPORT OF STANDING COMMITTEE

January 28, 1974.

REENGROSSED SENATE BILL NO. 2366, relating to legislative redistricting (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, after line 33 of the reengrossed bill, insert:

- "T 135
- T 136
- T 137
- T 138, 141 (CCD Medical Lake Rural)
- T 139 (CCD Medical Lake)
- T 140 (CCD Cheney)
- T 142"

On page 6, strike line 4.

On page 6, line 25, after "CCD 5" strike the balance of the line.

On page 7, after line 9 of the reengrossed bill, insert "T 605 (part: B 102-107)" and "T 608 (part: B 101-108)".

On page 7, line 13, insert a new section 11 as follows:

"NEW SECTION. Sec. 11. The twenty-seventh legislative district shall consist of the following areas:

In Pierce County:

- T 601
- T 602
- T 605 (part: B 108-119, BG 2, 3, 4, 5)
- T 606
- T 607
- T 608 (part: B 109-123, BG 2, 3, 4, 5, 6, 7)
- T 611
- T 612
- T 613
- T 614
- T 615
- T 616
- T 617
- T 618 (part: BG 1)
- T 619
- T 620
- T 621
- T 627 (part: BG 1)
- T 708"

Re number old section 11 as section 12.

Signed by: Senators Grant, Chairman; Canfield, von Reichbauer, Washington.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted.

On motion of Senator Grant, Reengrossed Senate Bill No. 2366 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Would Senator Grant yield please? Senator Grant, the committee amendment on page 4 inserts the Cheney census districts, Medical Lake and Medical Lake 141. Were those left out originally?"

Senator Grant: "Senator Guess, they were left out of the original measure that passed the Senate. These are just to include them."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2366, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-43.

Voting nay: Senators Matson, Newschwander-2.

Absent or not voting: Senator Talley-1.

Excused: Senators Durkan, Greive-2.

REENGROSSED SENATE BILL NO. 2366, having received the constitutional 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 Keefe, Reengrossed Senate Bill No. 2366 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 3338, by Senator Walgren (by Department of Highways request): Permitting the designation of exclusive bus and car pool lanes.

REPORT OF STANDING COMMITTEE

January 25, 1974.

SENATE BILL NO. 3338, permitting the designation of exclusive bus and car pool lanes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18, section 1, after "vehicles" insert", *privately owned buses,*"

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar, Wanamaker, Washington.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, Engrossed Senate Bill No. 3338 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bailey: "Would Senator Walgren yield? Senator Walgren, does this have a sufficient control by the Highway Department or someone that would determine which busses would be eligible for these lanes? My concern is over, say, an airport bus or something like that which might decide they were going to use this lane. Without someone supervising it I can see where we would have a great deal of trouble and we could find a lot of people crowding into the lane and causing confusion."

Senator Walgren: "Yes, the Highway Commission would be given the authority to supervise it rather strictly."

Senator Bailey: "It would be up to the Highway Commission to control this, to give individual permits to anyone using that lane?"

Senator Walgren: "That is right."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3338, and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Francis, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall-39.

Voting nay: Senators Grant, Peterson (Lowell), Van Hollebeke, Woody-4.

Absent or not voting: Senators Connor, Fleming, Sellar-3.

Excused: Senators Durkan, Greive-2.

ENGROSSED SENATE BILL NO. 3338, having received the constitutional majority, was 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. 144, by Senators Mardesich, Woody and Atwood:

Establishing a select committee to study Point Roberts.

The resolution was read the second time in full.

On motion of Senator Mardesich, Senate Concurrent Resolution No. 144 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 144, and the resolution passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Lewis (Harry), Twigg-2.

Excused: Senators Durkan, Greive-2.

SENATE CONCURRENT RESOLUTION NO. 144, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3135, by Senator Durkan:

Providing for an alternate method of valuing real property.

REPORT OF STANDING COMMITTEE

January 26, 1974.

SENATE BILL NO. 3135, providing for an alternate method of valuing real property (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 8 after "shall" and before "(1)" strike "either"

On page 1, section 1, line 9 after "inspected," and before "or" insert "and/"

On page 1, section 1, line 18, after "system" and before "including," insert "approved by the Department of Revenue".

On page 2, line 2, insert the following new sentence: "The provisions of this section shall expire December 31, 1976."

On page 2, following "The provisions of this section shall expire December 31, 1976." insert a new section to read as follows:

"NEW SECTION. Sec. 2. There is added to RCW 84.41 a new section to read as follows:

Each county assessor shall cause real property being valued to be physically inspected at least once every four years in order to provide adequate data from which to make accurate valuations. During the intervals between each physical inspection of real property, the valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data.

The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of the property. The provisions of this section shall take effect on January 1, 1977."

On page 1, line 1, of the title after "taxes;" and before "amending" strike "and".

On page 1, line 3 of the title after "84.41.040" and before the period insert "; and adding a new section to chapter 84.41 RCW".

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Fleming, Grant, Lewis (Harry), Woody.

The bill was read the second time by sections.

On motion of Senator Donohue, the first two committee amendments were adopted simultaneously.

Senator Donohue moved adoption of the committee amendment to page 1, section 1, line 18.

On motion of Senator Marsh, the following amendment to the committee amendment was adopted:

Amend the amendment to page 1, section 1, line 18 as follows: After "Revenue" insert "and the Ways and Means Committees of the Senate and House of Representatives"

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

On motion of Senator Donohue, the committee amendments to page 2 were adopted simultaneously.

On motion of Senator Donohue, the committee amendments to the title were adopted.

On motion of Senator Donohue, Engrossed Senate Bill No. 3135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Matson: "Will Senator Donohue yield? I would like to have an example of what you mean by assessment data."

Senator Donohue: "I think if you will look in the amendment, Senator, it could pertain to sales, purchase of the property, any fact pertaining to appraisals, like if I were to send you a form and ask you, 'Did you build on a bathroom? Did you reshingle your house? Have you remodeled? Have you built a new barn on your property?' and that type of thing. The approach that is suggested here in this pilot program is the same kind of approach that

you, I am sure, understand in your personal property tax where you have to turn in the information, and that is all it is."

Senator Matson: "You are saying then if I improve my property in any way I would be required to report that to the county assessor?"

Senator Donohue: "If you improved your property the answer would be yes."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, I had a chance to go over the forms and the questionnaire and the layout with Mr. Johnston's staff. Basically what the form and the request for information includes is how many bathrooms do you have, how many fireplaces, did you make any physical additions onto your house? Not improvements in the sense of painting it or things of this nature. Now this is a pilot program whereby the taxpayer would be submitting to the assessor a self-appraisal program like we use in industry and it is thought that if the property owner understands what goes into the appraisal and has a part in fixing the value on his property that he will begin to understand the problems of the assessor and of the state. I think it is a good idea that can be tried. Now if I could bring down for you, some of the form questions, remember the assessor already has this in his file and he can compare that against what is already currently in the file on that particular parcel."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, partly in answer to Senator Matson's question, the county assessor, Ken Johnston, in Pierce County has originated this, has experimented with it and has advised both the committee and at a meeting that I attended last night they received about a forty-two percent return, and in checking their returns they found that they were fairly accurate with the record that they had in the office. He further said, and this I felt was important and I agree with Senator Marsh when he indicated there were far too many questions and they were probably unnecessary on the form. They purposely made this form as a trial run as difficult as possible to see if the people could handle it, that the next form that was sent out on a county-wide basis would be simpler and he also advised that they would send the card with the information out to the taxpayer, the information that is at the assessor's office at the present time. For each property that they have listed they have a separate card in their file and it will also be on the computer. But the property owner will receive this card, along with the form which will say, 'The assessor's department has this information. Will you verify that and is this correct? Do you have two bedrooms or three bedrooms?' And in many instances there probably are errors where they will have a house listed with two bathrooms and four fireplaces and they probably only have one fireplace or something like that. So they will have the information to work from that the department at the present time has, and they have reason to believe it will work successfully."

Debate ensued.

POINT OF INQUIRY

Senator Stortini: "Will Senator Donohue yield to a question? Senator, I am concerned about what Senator Dore and Senator Woodall have said here. This bill physically gives the assessor information to assess each year. Now do you read the bill the same way? Will it mean an increase in taxes?"

Senator Donohue: "Senator Stortini, this particular question was brought up in the Senate Ways and Means Committee and I would assume that the answer to that would be yes. But let us look at it a different way. Senator Dore brought out the point that under the four year cyclical program that we are involved in now in assessing property that you have the bite every four years. Now this bite in the past, as Senator Dore well knows, has been a very great jump. In other words, it was never distributed over a four year period, it always occurred at the end of the fourth year and you had one huge jump in property taxes. It is possible that this four year cycle then would take into consideration the annual update of

property and as Senator Dore said we have an inflationary problem. And that is true. So that if this went into effect and if in fact this became law, Senator Woodall, after December 31, 1976, which is the expiration date of this particular act, then it is very possible that there would be an increase of taxes slightly every year instead of a jump at the end of the fourth year.

"Now, Senator Woodall, in answer to your question pertaining to the language that you read, this is old language that is in the law now. We had to bring this section in so that we could pick up the January 1 date of 1977, which would reinstate all of the present laws. So it is a pilot program. It is designated to occur only in Pierce County because in the budget bill that we passed there is a proviso that says the Department of Revenue shall not allow other counties to go into this program and there is two hundred thousand dollars for Pierce County in the budget bill for the pilot program."

Further debate ensued.

POINT OF INQUIRY

Senator Canfield: "Senator Donohue, if you will yield, I will ask you what the experience has been with regard to the personal property filings. Have they worked well? Has there been public acceptance? What has been the cost comparatively, and what has been the revenue raised in comparison with the previous procedure? Could you answer, Senator Donohue?"

Senator Donohue: "Senator Canfield, I do not have the actual cost figures but the testimony that we have had in Ways and Means Committee in this area has been that the property owners are very honest and they turn in their personal property and are very careful about the amount that they turn in. And they have done a very good job and the revenue from this honesty, if I might say so, of the property owners turning in this property has increased. Now when I say it has increased the revenue it would mean that over the years of course, we have had this about five or six years I think, that we have been involved in the personal property reporting, there has been an increase but of course this is not just due to the honesty of the individual taxpayer but it has been due to the increased amount of personal property that different property owners possess at this time."

POINT OF INQUIRY

Senator Canfield: "Senator Bottiger, have you any experience in Pierce County, since your assessor asked for this plan? Have you any testimony in regard to benefits and costs?"

Senator Bottiger: "I am not sure I can answer as to benefits and cost, Senator Canfield. I can give you an idea and possibly if I can expand on your question and my answer a little bit. Senator Dore, of course, brought one of the early lawsuits involving the four year recycle program and those of you that have been very carefully reading the court cases and especially the recent Valentine case, have to be aware that at least in my opinion the court is very close to saying that four years is not often enough. And remember the assessor does not set taxes. He puts the value on property within his county on which somebody else sets the taxes. Now we imposed a one hundred and six percent limitation, and how do you spread that limitation amongst the taxpayers within that county? I think, contrary to Senator Dore's comments, it is grossly unfair if I build a barn and wait four years to get caught while my neighbor down the street got caught the year he built the barn and he pays more than I do for an identical piece of property. Now that is not fair and the purpose of the four year cycle is to say at least every four years you will pick up those items: Now this bill, as Senator Donohue mentions, is designed for Pierce County. It is the one that has been financed and I do not think anybody, myself included, while I might disagree with Mr. Johnston on occasion I do not think that he should be characterized as trying to raise taxes. He is trying to provide a fairer way to distribute the tax load amongst the taxpayers of the county. How much does it cost? We are appropriating something like six million dollars in order to put the reappraisal program into condition to withstand court cases. And this is a fantastic expense. What Mr. Johnston is trying to do is find a way to do it cheaper and more

fairly and to allow the citizen, and ninety percent of the citizens who are honest and who file their income tax and pay their other taxes because they are paying their share of government, to try to utilize that honesty to cut down the cost of government. Now his program has checks and balances and audits in it so that he thinks he can pick up the ten percent at the maximum who might not be truthful. Now what is wrong with that. Senator Dore says, 'Give me three years free ride before I have to pay my share,' and I guess that is what is wrong with it."

Further debate ensued.

POINT OF INQUIRY

Senator Dore: "Senator Bottiger, this is a pilot program, as I understand, for Pierce County and in the budget bill there is a proviso that Pierce County shall receive two hundred thousand dollars to carry out the purpose of this act. I notice the bill is wide open, as Senator Woodall pointed out. It says any county assessor and it does not say you cannot if you do not want to submit this information. If you adopt this program it says 'shall.' Would you have any objection to putting it back to second reading? I have an amendment on the Secretary's desk to limit it to first class counties and then if it is really a pilot program at least it would be confined to Pierce County because even though the other counties do not have the money they may go ahead with it and once they go ahead they will say it will cost ten million dollars to go back to the old system and even though it expires after two years we will never get rid of it if it is not proper. Would you have any objections to going back and adopting the amendment?"

Senator Bottiger: "Senator Dore, I would not object as long as there is an understanding that it will be advanced back to third reading. I would point out, however, it says 'shall either cause the real property to be physically inspected or.' "

Senator Dore: "I am talking about line 16 where it says, 'Any county assessor electing to require property owners to report,' so it is wide open to all thirty-nine assessors so this would truly make it a pilot program permitting you in first class counties like Pierce to do it and not permit others."

POINT OF INQUIRY

Senator Stortini: "Will Senator Marsh yield to a question? Senator, I was under the impression from our Pierce County assessor that the property owner would not have to return the form. Now as I read section 1 starting with line 16, I ask the question, what would happen if a property owner did not comply with this section?"

Senator Marsh: "I would like to yield that question to Senator Dore."

Senator Dore: "Just in the plain language of the bill I would say that if he did not do it he would be in violation of the law so I imagine the assessor then could seek other information, maybe just apply eight percent inflationary figure on his last evaluation. But I would like to just answer Senator Donohue's question because it would be an increase but it would come around the fourth year anyway which is true, but it is not required now. They do not tax you the second and third year. In other words, if you have a ten thousand dollar house and put a two thousand dollar improvement on it on the second year, they do not pick that up for evaluation purposes now until the fourth year of the cycle. Under this you would give the information immediately, they would raise the valuation up to twelve thousand and of course apply the regular mills. It would not affect the special mills because they are limited by dollar amount but on the regular mills for schools, cities and counties, of course, that is based on the evaluation so they would be able to immediately, and I think we are in an inflationary situation, Senator, they would be immediately able to tax you the second and third year which I do not think they can do now. In any event, I made that request, Senator, and if you say you have no objection I would like to move it back to second reading."

MOTION

On motion of Senator Bottiger, Engrossed Senate Bill No. 3135 was returned to second reading.

Senator Dore moved adoption of the following amendment by Senators Dore and Donohue:

On page 1, section 1, line 16, after "assessor" and before "electing" insert "in class A counties"

On motion of Senator Guess, the following amendment to the amendment by Senators Dore and Donohue was adopted:

After "counties" insert "west of the Cascades"

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

POINT OF INQUIRY

Senator Canfield: "Are we referring to first class counties only? West of the Cascades? My inquiry then is what particular county are we referring to? Does this take out Pierce? Is Pierce a first class or a Class A?"

Senator Dore: "Mr. President, I asked their legislators and they said they are first class."

Senator Canfield: "A first class county is one hundred and twenty-five thousand to two hundred and ten thousand, I believe. And a Class A county starts at two hundred and ten thousand. What is Pierce?"

Senator Bottiger: "You did not ask me. It is a Class A county."

On motion of Senator Bottiger, Reengrossed Senate Bill No. 3135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Matson, Senator Atwood was excused.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 3135, and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Donohue, Francis, Grant, Henry, Jolly, Knoblauch, Lewis (Harry), Mardesich, Metcalf, Murray, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, von Reichbauer, Walgren, Washington, Whetzel, Woody—27.

Voting nay: Senators Connor, Day, Dore, Fleming, Greive, Guess, Herr, Jones, Keefe, Lewis (R. H. "Bob"), Marsh, Matson, Newschwander, Peterson (Lowell), Talley, Twigg, Van Hollebeke, Wanamaker, Woodall—19.

Excused: Senators Atwood, Durkan—2.

REENGROSSED SENATE BILL NO. 3135, having received the constitutional majority, 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. 636, by Representative Smith:

Allowing the department of fisheries to supply salmon eggs for use in fish farming or aquaculture for any length of time.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), Engrossed House Bill No. 636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 636, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Bottiger, Francis, Stortini—3.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3329, by Senators Washington and Murray:
Providing for the certification of sites for thermal power plants.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 3329 was substituted for Senate Bill No. 3329 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, the following amendment by Senators Washington and Whetzel was adopted;

On page 3, section 2, line 9, strike "other".

On motion of Senator Washington, Engrossed Substitute Senate Bill No. 3329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, how is the present thermal siting committee financed?"

Senator Washington: "I am sorry I cannot answer that particular question. Actually it receives funds from the state in some areas. In this particular plan that we are providing, however, the ten thousand figure would be provided by the agency which is attempting to get the approval."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "It is my understanding that it is funded, of course, through appropriation. Most of the funds come from a charge back to the people who put the application in, and if there is any deficit I assume it comes out of general fund. Most of the members of that committee are people who are on the state payroll, all the directors of various departments and all that, and I do not think that part is segregated out but there is a charge back."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "We are providing for here that the agency that makes the application, a private power company, a PUD, whoever it is, pay ten thousand dollars which the plant siting council then can utilize. They do not have their own engineers but they can utilize it for consultants. It also provides that if the ten thousand is not enough the

applicant, if it is a private power company or a public utility district or whoever it may be, has to provide the additional funds. So what we are doing here is all financed by the agency which is attempting to build the plant."

POINT OF INQUIRY

Senator Rasmussen: "Senator Washington, the reason I asked that question was this, I kind of question the propriety of the people that are making the application directly financing the study and the siting, and I think that is in effect putting an undue pressure on the people at the local level who maybe have no funds available to them to go against whatever findings that are being developed. What in effect you are saying is that if these people pay us ten thousand dollars we will come in and make the siting study. In one way it just does not sound right. If these people pay you ten thousand dollars then of course, the study ought to come out satisfactorily to the site that they have already picked. That is my question on this method of financing and I do not know how Senator Mardesich indicated the original siting is handled. Most of the people of this committee are already paid state employees who would apparently take an impartial look at it."

Senator Washington: "They do need to have work done by consultant people who can go out into the field and actually study. The plant siting council itself acts as an agency to hear the evidence and to make decisions. It can be expensive. I do not think the public should have to pay the cost of Puget Sound Power and Light attempting to determine the environmental impact of the study."

Senator Rasmussen: "But I think you missed my point, Senator. This is exactly it, that you go out and get high priced consulting firms to make the study against the weight of the people at the local level that have no money to hire consulting firms to make the study on the opposite side. It is just sort of adversary approach that if you are going to have ten thousand dollars made available for finding a site you also should take the Nader approach and provide ten thousand dollars on the opposite side so that you get some balance. That is my concern."

Senator Washington: "Of course, here you have the private agency, in most cases it is going to be a private agency or it could be a PUD, they are providing the funds for the study and, of course, this information can also be available to the county. It does not prevent the county or the city from actually using their own funds, but it does also provide the additional means here of the private power company at least paying its own way in attempting to come into an area and perhaps disrupt the environment. In other words, they have the affirmative duty of establishing that it does not have an adverse environmental impact."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "Mr. President, I was one of the sponsors of the bill creating the thermal siting council and I would like to address my remarks to this bill and also to Senator Rasmussen's question. Now, Senator Rasmussen, first of all if you will notice in your budget book, you look on page 95 and you will find the legislative authorization for this siting council and how it is financed. Now the whole idea of the financing, Senator Rasmussen, is from two sources. First, from the agency contribution of personnel and you will note that all the concerned agencies of the state are in this siting council which is chaired by Dr. Greager, but the ultimate source of financing was expected to be and designed to be the application fee. And these application fees at the present time are established at twenty-five thousand dollars. I think the testimony is that that twenty-five thousand dollars has not been quite enough and so this bill, although I was not in on the formulation of this bill, is an attempt to not only provide better service but also to raise additional revenue. Now do not talk about the poor people on the local level having to provide matching money. There are no poor people on the local level who are going to build a nuclear plant. There are no poor people on the local level going to build a coal fired plant. I would like to point out that the word 'thermal' in this bill applies to any heat plant, coal or nuclear or whatever, as long as it is a heat plant as contrasted with a hydro which is water power and no heat. So I think this bill is a good step forward, Senator Rasmussen and members, in providing additional

revenue and also to shorten the time of examining and certifying suitable sites. And I am sure that if you will look at this from that angle you will find this is a good bill.' "

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate, I have no objection to the committee doing their siting study, but my objection is that in some of these localities the people are not sure that they want these plants in that area. And the means of financing a study to counteract the study that the thermal siting council is doing, along with all of the high priced technicians and consultants that can be hired by the private power companies or even the public power companies in the case of the Washington public power supply group, that these people do not have that means. The county commissioners at the local level trying to represent the people do not have these funds available to counteract these studies that are going to say, 'This is the location we think that the thermal site should be on.' And that is my objection, not to the purpose of the bill in general but your having these people pay an extra ten thousand. You could handle the financing out of the fees that they pay after they are in operation, as far as that goes."

REMARKS BY SENATOR MURRAY

Senator Murray: "I think in answer to Senator Rasmussen's question we should point out that the agencies involved, either county government which in this particular case is the one we are most concerned with, or the nuclear siting commission, does not have to provide the arguments on the other side. All they have to do is say, 'I do not like the arguments you have shown me. I do not think you have covered that well enough. You go back home and do it.' They do not have to put up the money to do it. All they have to do is stand there and say, 'I do not like it. I do not think you are right. I do not think your conclusion is correct. Either prove that you are correct to my satisfaction or you do not get the permit.' They do not have to come up with a positive argument. All they have to do is sit there and say no. Now this specific bill is designed so that we can go ahead and proceed at the state level with the nuclear siting committee before the local level has actually made the zoning conclusions. At the present time under existing law the local level has to approve it before they can even make application and pay the fee or to provide the information necessary for the environmental impact statement they have to have the approval at the local level. This bill merely says that they can go ahead and take a calculated risk, put up ten thousand dollars of the twenty-five thousand dollar total fee and get to work on it. If they get that zoning permission then they are a few months or maybe even a year down the road. I think that is what we are trying to do is say that if everything goes together properly you can take two actions concurrently at the same time. And we are trying to expedite the final conclusion if everything goes well but it does not put any limitation on the right of the local people to say no, on the right of the siting council to say no in the final analysis. I urge your support of the bill."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3329, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-45.

Voting nay: Senator Rasmussen-1.

Absent or not voting: Senator Stortini-1.

Excused: Senator Durkan—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3329, having received the constitutional 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 Washington, Engrossed Substitute Senate Bill No. 3329 was ordered immediately transmitted to the House.

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

REPORTS OF STANDING COMMITTEES

February 4, 1974.

SENATE BILL NO. 3042, enacting a state labor-management relations act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Labor and Committee on Ways and Means.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Dore, Grant, Mardesich, Marsh, Rasmussen, Sandison, Woody.

Passed to Committee on Rules for second reading.

February 4, 1974

SENATE BILL NO. 3141, revising the unemployment compensation laws with respect to quitting work (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3141 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Lewis (Harry), Mardesich, Marsh, Newschwander, Peterson (Ted), Scott, Woody.

Passed to Committee on Rules for second reading.

February 4, 1974.

SENATE BILL NO. 3174, revising the code with respect to functions of the legislative budget committee (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3174 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Grant, Lewis (Harry), Mardesich, Marsh, Rasmussen, Woody.

Passed to Committee on Rules for second reading.

February 5, 1974.

SENATE BILL NO. 3256, making an appropriation for the operation of state government (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3256 be substituted therefor and the substitute bill do pass.

Signed by: Senator Odegaard, Vice Chairman; Atwood, Bailey, Fleming, Lewis (Harry), Mardesich, Marsh, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 289, providing for motorists' information signs (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 631, authorizing the director of fisheries to manage and regulate unclassified fish, shellfish, and marine invertebrates (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 637, enacting the forest practices act of 1974 (reported by Committee on Natural Resources):

Recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 946, permitting the department of social and health services to adjust vendor's rates (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Greive, Herr, Murray, Ridder, von Reichbauer, Woodall.

Passed to Committee on Rules for second reading.

February 4, 1974.

SUBSTITUTE HOUSE BILL NO. 1049, requiring minimum standards for self-insurers with regard to industrial insurance to be set by the director of labor and industries (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, changing the laws relating to metropolitan municipal corporations (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bottiger, Jolly, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

February 4, 1974.

SECOND SUBSTITUTE HOUSE BILL NO. 1077, requiring contractual provisions to provide hospitalization for alcoholism (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators, Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Greive, Herr, Jones, Murray, Ridder, von Reichbauer.

MINORITY recommendation: Do not pass as amended.

Signed by: Senators Clarke, Francis, Woodall.

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1171, setting out policy for the administration of

urban, rural, racial and disadvantaged education programs (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1202, enacting a good samaritan law (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Clarke, Connor, Herr, Jones, Murray, von Reichbauer, Woodall.

MINORITY recommendation: Do not pass.

Signed by: Senator Francis.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1234, substituting a state hearing examiner appointed by state board of education to perform duties of county committees on school district organization (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Newschwander, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1282, authorizing school transportation pilot program and transferring certain programs from jurisdiction of superintendent of public instruction (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1294, enumerating additional impediments to local registration of teachers' certificates and additional grounds for revocation thereof (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

- Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1297, authorizing certain inspections by the department of game (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1309, deleting superfluous and misleading RCW references from 1969 school building financial assistance act (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1420, setting forth distribution formula for state funds apportioned to school districts (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1463, authorizing school districts to enter into contracts with other governmental entities to provide for transportation of both students and the public through the use of school transportation facilities (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1508, allowing insurance rates to reflect differences on risk factors between the sexes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Clarke, Connor, Herr, Jones, Murray, Woodall.

MINORITY recommendation: Do not pass.

Signed by: Senators Francis, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1525, relating to civil commitment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Marsh.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 5, 1974.

NORWOOD BROOKS, to the position of Commissioner of the Employment Security Department, appointed by the Governor on January 1, 1974, succeeding Maxine Daly (reported by the Committee on Labor):

Recommends that said appointment be confirmed.

Signed by: Senators Connor, Chairman; Fleming, Grant, Jones, Matson, Ridder, Sellar, Woody.

Passed to Committee on Rules.

MOTION

At 12:25 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

There being no objection, Senator Dore was excused.

SECOND READING

SENATE BILL NO. 3336, by Senators Washington, Stortini, Walgren and Woody:

Permitting the replacement of emission control systems with other equipment which enables the vehicle to meet applicable emission standards.

REPORT OF STANDING COMMITTEE

January 29, 1974.

SENATE BILL NO. 3336, permitting the replacement of emission control systems with other equipment which enables the vehicle to meet applicable emission standards (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6, section 1, after "in" strike "existence" and insert "existence".

On page 1, at the beginning of line 8, section 1, strike "mechanism" and insert "mechanisms" and after "such" and before "replaced" strike "mechanism is" and insert "mechanisms are immediately".

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Van Hollebeke, Whetzel.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were adopted.

On motion of Senator Washington, Engrossed Senate Bill No. 3336 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3336, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Dore, Durkan—2.

ENGROSSED SENATE BILL NO. 3336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3366, by Senators Peterson (Lowell) and Wanamaker:
Granting certain powers to public utility districts.

MOTION

On motion of Senator Peterson (Lowell), Senate Bill No. 3366 was made a special order of business for 1:59 p.m.

SECOND READING

SENATE BILL NO. 3354, by Senator Rasmussen (by State Finance Committee request):

Implementing laws relating to financing by the state, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the following amendment by Senators Dore, Rasmussen and Sandison was adopted:

On page 2, line 29, section 2, after "body" and before the period insert "*PROVIDED, That refunding bonds shall not be issued unless the state finance committee or the public body authorized to issue refunding bonds pursuant to chapter 39.53 RCW finds that such saving will be effected by the refunding*".

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3354, and the bill passed the Senate by the following vote; Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—45.

Absent or not voting: Senator Woody—1.

Excused: Senators Dore, Durkan—2.

ENGROSSED 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.

MOTION

On motion of Senator Rasmussen, the Senate moved to consider Senate Bills 3354, 3355, 3362 and 3272 consecutively.

SECOND READING

SENATE BILL NO. 3355, by Senator Rasmussen (by State Finance Committee request):

Authorizing community college refund bonds.

MOTIONS

On motion of Senator Sandison, Substitute Senate Bill No. 3355 was substituted for Senate Bill No. 3355, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Sandison, Substitute Senate Bill No. 3355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3355, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Dore, Durkan—2.

SUBSTITUTE 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. 3362, by Senator Rasmussen (by State Finance Committee request):

Providing for the refunding of certain state capitol committee bonds by issuance of refunding bonds.

The bill was read the second time by sections. •

On motion of Senator Rasmussen, Senate Bill No. 3362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3362, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Dore, Durkan—2.

SENATE BILL NO. 3362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3272, by Senator Rasmussen (by State Finance Committee request):

Providing for common school bonds.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Senate Bill No. 3272 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3272, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Dore, Durkan—2.

SENATE BILL NO. 3272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rasmussen, the following bills were ordered immediately transmitted to the House: Senate Bill No. 3354, Substitute Senate Bill No. 3355, Senate Bill No. 3362 and Senate Bill No. 3272.

SPECIAL ORDER OF BUSINESS
SECOND READING

SENATE BILL NO. 3366, by Senators Peterson (Lowell) and Wanamaker:

Granting certain powers to public utility districts.

The time having arrived, the Senate commenced consideration of Senate Bill No. 3366.

The bill was read the second time by sections.

Senator Talley moved adoption of the following amendment:

On page 2, following section 1, add a new section to read as follows:

“NEW SECTION. Sec. 2. There is added to chapter 54.16 RCW a new section to read as follows:

Notwithstanding any other provisions of the revised code of Washington any public utility district of the state is authorized to engage in the business of and have the power and authority to acquire, construct, maintain, operate, develop, reorganize and regulate a system of sewers including treatment and disposal plants and all necessary appurtenances and providing for additions and betterments thereof. Such public utility districts may include within their boundaries portions or all of one or more presently existing sewer districts which include one or more incorporated cities or towns or other political subdivisions: PROVIDED, HOWEVER, That no portion of any sewer district or portion or all of any incorporated city or town may be included without the consent by resolution of the sewer district commissioners or of the city or town legislative authority: PROVIDED FURTHER, HOWEVER, That such inclusion of any existing sewer district shall not affect the outstanding bonds, warrants or other indebtedness incurred by such district prior to its inclusion unless the public utility district shall undertake to assume those obligations.”

POINT OF ORDER

Senator Whetzel: “I raise the point of order that the amendment is beyond the scope and object of the bill.”

REMARKS BY SENATOR TALLEY

Senator Talley: “I do not think there is any case there at all. The bill reads, ‘Granting power to a public utility district,’ and that is what this amendment does.”

POINT OF INQUIRY

Senator Peterson (Lowell): “Will Senator Talley yield? Senator Talley, without going into the bill because we are not discussing the bill at the moment, we are discussing your amendment, but it appears to me on the face of your amendment that you are attempting to put the PUD’s within the category of the statutes that we have previously passed relative to sewer districts. Is this right?”

Senator Talley: “So they would be able to engage in the sewer business, yes. Supply sewer services. They supply electricity and they supply water now.”

Senator Peterson (Lowell): “I personally fail to see where it fits into the language of the bill that I presented, but perhaps Senator Whetzel’s question as directed to the President is in order as to whether this amendatory language fits into the scope and object of the language of the bill. It perhaps might fit the title, but this is a ruling that I cannot make.”

RULING BY THE PRESIDENT

The President: “Senator Talley and members of the Senate, in ruling upon the point of order the President believes that the remarks of Senator Peterson are well taken. Senate Bill No. 3366 is a measure which merely permits advancing of funds to municipal corporations suffering financial loss or expenditures incurred in preliminary work in connection with electrical energy facilities. Your amendment, however, grants substantial powers to develop and maintain sewer systems to all public utility districts. Therefore, the President believes that your amendment does increase the scope and object of the bill and the point by Senator Whetzel is well taken.”

The amendment by Senator Talley was ruled out of order.

On motion of Senator Peterson (Lowell), Senate Bill No. 3366 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3366, and the bill passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Dore, Durkan—2.

SENATE BILL NO. 3366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 4, 1974.

ENGROSSED HOUSE BILL NO. 916, relating to outdoor advertising (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Henry, Vice Chairman, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Talley.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1133, prohibiting discrimination against licensed health professionals employed by or associated with health care service organizations (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Greive, Herr, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1259, relating to the construction of statutes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1354, pertaining to businesses and professions — code correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1355, pertaining to pensions of volunteer firemen – code correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1356, pertaining to department of labor and industries – code correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1357, pertaining to state highway commission – code correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1358, pertaining to motor vehicle fuel taxes – code correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1360, pertaining to industrial insurance – code correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1361, pertaining to water districts – code correction (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 5, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 5, 1974.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1469, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1469.

MOTION

At 2:08 p.m., on motion of Senator Mardesich, the Senate recessed until 2:40 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:40 p.m.

SECOND READING

SENATE BILL NO. 3202, by Senators Marsh, Metcalf, Sandison, Keefe, Atwood and Lewis (Harry) (by Council on Higher Education request):

Establishing the college work-study program for needy students in post-secondary institutions and public vocational technical school.

REPORT OF STANDING COMMITTEE

February 2, 1974.

SENATE BILL NO. 3202, establishing the college work-study program for needy students in post-secondary institutions and public vocational technical schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments by Committee on Higher Education and Committee on Ways and Means:

On page 1, section 2, line 11, following "students" and before "attending" insert "who are U.S. citizens".

On page 2, section 6, line 30, after "officers" and before "and" insert ", a representative of employee organizations having membership in the classified service of the state's institutions of higher education,"

On page 3, section 6, following subsection (3), add a new subsection as follows:

"(4) Provisions to assure that in the state institutions of higher education utilization of this student work study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of 28B.16 RCW;

(b) That all positions established shall be identified to a job classification under the Higher Education Personnel Board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service."

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Lewis (Harry), Marsh, Metcalf, Rasmussen, Sandison, Scott.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment by the Committee on Higher Education to page 1, section 2, line 11 was adopted.

On motion of Senator Marsh, the committee amendments to pages 2 and 3 by the Committee on Ways and Means were adopted.

On motion of Senator Marsh, Engrossed Senate Bill No. 3202 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Would Senator Marsh yield? I have two questions, Senator Marsh. First, is this a new program?"

Senator Marsh: "Yes, it is a new program. It is a new program designed to help middle income students who need financial aid. These students often fall between the cracks of existing financial programs. Their families have sufficient levels of income that they cannot qualify for the income programs, the aid programs for the very poor, and of course they are not rich enough to pay for their own, and so this is designed to help that middle income student."

Senator Canfield: "Seven hundred and fifty thousand dollars for a starter?"

Senator Marsh: "Yes, sir."

Senator Canfield: "One further question. I understand from a rather quick inspection of the bill that a student would be eligible at any accredited institution of post-secondary education. I would like to have your comment on the public-private school support question."

Senator Marsh: "All the attorneys who looked at this particular bill feel that it is constitutional within the provisions of the Washington State Constitution and the United States Constitution, so I do not think we have a constitutional problem."

Senator Canfield: "Well, as a very expert attorney I am sure glad to get your advice."

Senator Marsh: "Thank you, Senator Canfield."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3202, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 6; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Woodall, Woody—41.

Absent or not voting: Senators Day, Donohue, Francis, Rasmussen, Wanamaker, Whetzel—6.

Excused: Senator Durkan—1.

ENGROSSED 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.

MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 3202 was ordered immediately transmitted to the House.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 149, by Senators Washington and Scott:

Relating to governmental powers.

MOTION

On motion of Senator Washington, Senate Concurrent Resolution No. 149 was made a special order of business for 5:30 p.m. today.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 135, by Committee on Natural Resources (originally sponsored by Representatives Paris, Kilbury, Zimmerman, Douthwaite and Charnley) (by Legislative Council request):

Conserving geothermal resources.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), Engrossed Substitute House Bill No. 135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 135, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—43.

Absent or not voting: Senators Francis, Greive, Rasmussen, Whetzel—4.

Excused: Senator Durkan—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED HOUSE BILL NO. 150, by Representatives Haussler, Smythe, Kalich and May:

Raising mileage allowance for county officers.

The bill was read the second time by sections.

On motion of Senator Fleming, Reengrossed House Bill No. 150 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Fleming yield to a question? Senator Fleming, would this allow the county commissioners to raise the mileage given employees like those who go out on right-of-way problems and so forth? They are now getting ten cents a mile. Would this allow the commissioners to set a higher rate?"

Senator Fleming: "It would allow those county officials who are attending to county business who are not using a county car, but using their own car and now receiving ten cents a mile, they would set that rate and whether they would set it at nine cents a mile or eleven cents a mile, this is what they would do. The cities already do it now."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 150, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini,

Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Voting nay: Senators Lewis (Harry), Matson—2.

Absent or not voting: Senators Greive, Sellar—2.

Excused: Senator Durkan—1.

REENGROSSED HOUSE BILL NO. 150, having received the constitutional majority, 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. 1206, by Representatives Bagnariol, Pardini and Kopet (office of Program Planning and Fiscal Management request):

Transferring the federal revenue sharing trust fund to the state general fund.

The bill was read the second time by sections.

On motion of Senator Donohue, House Bill No. 1206 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Would Senator Donohue yield? Senator Donohue, how many of these bills have you caught running through here that are borrowing from other funds to make the cash flow fund look better?"

Senator Donohue: "Senator, I do not like the expression 'you.' These are Governor request bills."

Senator Canfield: "I amend that to say 'we' then."

Senator Donohue: "There are two or three other bills still in Ways and Means, Senator, which will help bolster the cash flow and I think it will help to the tune of about one hundred and five million. There are two or three more to come."

Senator Canfield: "When you say it helps to the tune of, do you mean it makes the cash flow look better? We are really borrowing this from other funds."

Senator Donohue: "It makes the bookkeeping look better, Senator. That is all it is. We did this in essence a couple of years ago, if you remember."

Senator Canfield: "Thank you."

POINT OF INQUIRY

Senator Guess: "Will Senator Donohue yield? Senator Donohue, every month we get that pretty little five by seven brochure from the Secretary of the Treasury and the minus marks get bigger every time and the plus marks get littler and littler. Does this mean we are living beyond our means? What is going to be the net outcome? Are we going to end up with a deficit in this biennium?"

Senator Donohue: "I do not know if we are going to end up in a deficit or not, but there is no doubt about it that we are living beyond our means, Senator. I think that is in essence exactly the problem."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1206, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senator Greive—1.

Excused: Senator Durkan—1.

HOUSE BILL NO. 1206, having received the constitutional majority, 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. 1211, by Representatives Haussler, Bausch, Hendricks and Van Dyk:

Providing for an alternative date for filing of final budgets by port districts.

The bill was read the second time by sections.

On motion of Senator Fleming, Engrossed House Bill No. 1211 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1211, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 1211, having received the constitutional majority, 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. 1273, by Representatives Curtis, Haussler, Knowles, Gaines and Wilson:

Providing for filling of vacancies in fire commissioner positions.

The bill was read the second time by sections.

On motion of Senator Fleming, Engrossed House Bill No. 1273 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1273, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 1273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2627, by Senator Day:

Providing that irrigation districts may purchase and dispose of electronic power under certain conditions.

The bill was read the second time by sections.

On motion of Senator Jolly, Senate Bill No. 2627 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2627, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senator Sellar—1.

Excused: Senator Durkan—1.

SENATE BILL NO. 2627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3101, by Senators Durkan, Donohue, Atwood and Lewis (Harry): Providing for the attachment of fiscal notes to certain bills and resolutions of the legislature.

The bill was read the second time by sections.

On motion of Senator Donohue, Senate Bill No. 3101 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: "Mr. President, would Senator Donohue yield to a question? Senator, as I read this bill, on lines 8, 9 and 10 it says, 'an accurate statement of estimated dollars increase or decrease in state or local revenues or expenditures for the next succeeding biennium.' We are talking about a fiscal note and I would assume that in a fiscal note we are talking about revenue that would affect state government. One of my pet peeves is that if we have a measure that comes through this body and it is to deal with revenue itself — from taxes or whatever — that if there is no immediate effect or long range effect or effect at all on state government but only on local government, there is no reason for that bill to go to Ways and Means, nor is there a bill for us to be required to have a fiscal note for Ways and Means before that bill is considered. Do you read what I am saying that way, or are you saying by this bill that if it is a local government revenue that the same should prevail?"

Senator Donohue: "Senator Fleming, I would assume the way I read the bill and the testimony that we had would indicate to me that if you have a bill in your committee that involves local funds that you are going to be supplied with a fiscal note in your committee. You are going to know exactly what it costs and consequently you would be able to. Your judgment, in our thinking as far as the bill is concerned, will be better because of this information, and this is what we are trying to do, is just. . . ."

Senator Fleming: "There is no effect with whether, for instance, last session House Joint Resolution No. 22 went to Ways and Means in this body and I do not know how the assignments were made and what reason. In the House it went to Local Government. House Joint Resolution No. 22 had nothing to do with state government, and it should not have gone to Ways and Means, and so I am making this point and I hope that this body will take that and note that just because a bill is dealing with revenue — if it is not affecting state revenue — it should not go to Ways and Means."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President and lady and gentlemen of the Senate, answering your argument, Senator Fleming, I have no objection to what you say but lots of revenue measures affect both state and local directly and indirectly. If you will look at section 1, it deals with local revenues too and I think that this body should have an exact — as much as you can — an idea of what we are doing to local government before we start passing a lot of bills."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Senator Atwood, I guess you are saying the same thing that Senator Donohue said, that for my Committee on Local Government I should have that information, but because it is a revenue matter Ways and Means is not supposed to oversee my committee."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3101, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wälgren, Wanamaker, Washington, Whetzl, Woodall, Woody—45.

Voting nay: Senator Francis—1.

Absent or not voting: Senator Greive—1.

Excused: Senator Durkan—1.

SENATE BILL NO. 3101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3256, by Senators Donohue and Odegaard:
Making an appropriation for the operation of state government.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 3256 was substituted for Senate Bill No. 3256, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, Substitute Senate Bill No. 3256 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, lady and gentlemen of the Senate, this is a rather unusual measure in a sense. During the last regular session of the legislature we passed for the Senate expenses and salaries of the members the sum of five million eight hundred and eighty-nine thousand and we are now reducing that budget by three hundred thousand down to five million five hundred and eighty-nine thousand. What we have done is taken into account the rate of expenditures we have had during the first six months of this biennium. In addition to that we have allowed for forty days of special session in 1974, what we are doing here today and we have allowed for an additional one hundred and ten

days in 1975, the regular session, and we have allowed for thirteen months at about the current rate of expenditure. All those figures added together would leave us a balance of three hundred and twenty-four thousand, provided we hold the line as we have in the past and we have left ourselves the twenty-four thousand and slashed and eliminated from our budget the three hundred thousand to avoid any temptation to spend what was not necessary, and I would hope that the other agencies of government would get the message and follow suit. We are pressing ourselves and keeping an eye on expenditures quite closely and we expect them to do the same."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "I would like to point out to the body and to Senator Mardesich that a third of this cut was dictated by 282 when they cut our salaries back to thirty-eight hundred. The last six months of the biennium which begins in January of this year, was programmed in at ten five for twenty-five of our good members here and I do not think that anybody will be drawing that amount, the difference amounts to about one-third of this cut, so it kind of makes me cry to see this go down the drain, but one hundred and two thousand of that is, I think, dictated by 282."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "We have not eliminated that yet, Senator. Other services and employees. That is still there, just in case."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3256, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan—1.

SUBSTITUTE SENATE BILL NO. 3256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3257, by Senator Durkan:

Creating an antitrust revolving fund.

The bill was read the second time by sections.

On motion of Senator Odegaard, Senate Bill No. 3257 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3257, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan--1.

SENATE BILL NO. 3257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 135, by Senators Whetzel, Murray, Van Hollebeke and Guess:

Memorializing Congress relative to motor vehicle emission standards.

REPORT OF STANDING COMMITTEE

January 26, 1974.

SENATE JOINT MEMORIAL NO. 135, memorializing Congress relative to motor vehicle emission standards (reported by Committee on Ecology):

Recommendation: Do pass with the following amendments:

On page 1, line 7, after "extend" and before "the" insert "for a reasonable time".

On page 1, line 8, after "standards" strike "for complex sources".

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

The memorial was read the second time in full.

On motion of Senator Whetzel, the committee amendments were adopted.

Senator Whetzel moved adoption of the following amendment by Senators Whetzel, Murray, Guess and Van Hollebeke:

On page 1, line 7, after "petition the Congress" insert "as follows:" and strike the balance of the material down through "effective" on line 10, then insert:

"WHEREAS, Section 110 of the Clean Air Act (42 USC 1857c-5) requires the states to attain ambient air quality standards by May 31, 1975 and pursuant to this law the Environmental Protection Agency has adopted regulations requiring certain transportation and land use controls to reduce the concentrations of contaminants, especially concentrations of carbon monoxide from motor vehicle emissions; and

WHEREAS, Questions have been raised as to what concentrations of carbon monoxide are dangerous to health; and

WHEREAS, Questions have been raised as to the reliability of the data from monitoring carbon monoxide concentrations; and

WHEREAS, Controls adopted or under consideration include management or reduction of parking spaces, a parking surcharge fee, selective exclusion of vehicles, inspection and retrofit of vehicles, bicycle lanes in Spokane; and

WHEREAS, Most of these controls apply to two specific geographical areas, the central business districts of Seattle and Spokane; and

WHEREAS, Certain of these controls may be counterproductive in their practical operation by encouraging businesses to disperse from the central business districts of Seattle and Spokane thus spreading rather than reducing the concentrations of contaminants; and

WHEREAS, The regulations do not give adequate consideration to the reduction in concentrations of such contaminants that will result when the standards governing motor vehicle emissions are attained. Standards for emissions from motor vehicles are governed by section 118 of the Clean Air Act (42 USC 1857f) which does not require standards to be attained for carbon monoxide until the 1975 model year. Attainment may take longer since extension of this time period is under consideration by Congress. Even when the standards go into effect, it will take some time for the replacement of older model automobiles without effective emission control devices; and

WHEREAS, Attainment of the motor vehicle emission standards for a significant number of motor vehicles may render unnecessary most, if not all, of the transportation and land use controls promulgated; and

WHEREAS, The gasoline shortage is working to reduce the amount of motor vehicle usage and to change the consumer demand to motor vehicles that will consume less amounts of gasoline and consequently may render unnecessary the controls promulgated; and

WHEREAS, The deadline required by section 110 has not permitted the Environmental Protection Agency to consider these important factors affecting future concentrations of carbon monoxide in adopting its regulations;

NOW, THEREFORE, Your Memorialists respectfully request that Congress extend for a reasonable time the deadline for compliance with ambient air standards associated with contaminants from motor vehicles until after the standards for emissions from motor vehicles becomes effective; and

BE IT RESOLVED, That copies of this memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POINT OF INQUIRY

Senator Dore: "Senator, I noticed you left out Tacoma in this amendment here. You have Seattle and Spokane."

Senator Whetzel: "The present regulations do not include Tacoma, I believe, but they probably will."

Senator Dore: "What does that mean?"

Senator Whetzel: "Well, I think they are finding more and more carbon monoxide in Tacoma and they are going to have to come up with a plan to keep the cars out of downtown Tacoma."

Senator Dore: "But it seems to me Tacoma needs it worse than Spokane or Seattle."

Senator Whetzel: "No, I think what you are referring to is sulfur dioxide which is taken care of in another way."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "For Senator Dore's information, we have built a mall in the heart of downtown Tacoma and stopped all progress and automobiles."

The motion by Senator Whetzel carried and the amendment by Senators Whetzel, Murray, Guess and Van Hollebeke was adopted.

On motion of Senator Whetzel, Engrossed Senate Joint Memorial No. 135 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 135, and the memorial passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senator Lewis (Harry)-1.

Excused: Senator Durkan-1.

ENGROSSED SENATE JOINT MEMORIAL NO. 135, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 289, by Representatives Polk, Lysen, Freeman and Julin:

Providing for motorists' information signs.

REPORT OF STANDING COMMITTEE

February 4, 1974.

ENGROSSED HOUSE BILL NO. 289, providing for motorists' information signs (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 4 add a new section following section 3 to read as follows:

"NEW SECTION. Sec. 4. There is added to chapter 47.42 RCW a new section to read as follows:

The Washington state highway commission is authorized to erect and maintain specific information panels within the right of way of those portions both of the primary system and the scenic system lying outside of cities and towns and lying outside of commercial and industrial areas to give the traveling public specific information as to gas, food, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Specific information panels shall include the words "GAS", "FOOD", or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and regulations adopted by the commission including the manual on uniform traffic control devices for streets and highways. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the commission limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The commission shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance."

On line 3 of the title after "new" strike "section" and insert "sections".

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

The bill was read the second time by sections.

Senator Wanamaker moved adoption of the committee amendment.

Senator Guess moved adoption of the following amendment to the committee amendment:

On line 8 after "food," insert "recreation," and on line 12 after "FOOD," insert "RECREATION,"

POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Wanamaker? Senator Wanamaker, this bill refers to information panels within the right-of-way. What does this do to a Kiwanis Club or a Legion or a church sign that you usually see when you go into a city limits? Under the current law I understand they are outlawed."

Senator Wanamaker: "That is right. Unless there was a service installation that would allow direction. In other words, if they had a sign up there that showed a map of the area or something like that, but no advertising could be on it."

POINT OF INQUIRY

Senator Scott: "Would Senator Wanamaker yield again? What is the total number of such logos that could be hung on a given intersection, and is there any restriction as to the types of businesses that might be so identified?"

Senator Wanamaker: "Yes, it must be limited to gas, food and lodging and there could only be one for each business."

Senator Scott: "But there is no limitation on the total number of businesses that might be tangent to a given intersection?"

Senator Wanamaker: "If it was at one intersection and there were ten businesses down

the road, each business would be allowed a sign. But that would be on one large panel. It would not be ten signs down the road."

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

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

Senator Metcalf moved adoption of the following amendment:

On page 4, following the Senate committee amendment, add the following:

"Sec. 5. Sec. 4, chapter 96, Laws of 1961 as amended by section 4, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;
 (2) Signs advertising the sale or lease of the property upon which they are located;
 (3) Signs advertising activities conducted on the property on which they are located;
 (4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971:

(6) *Public service signs located on school bus stop shelters, which signs:*

(a) *Identify the donor, sponsor, or contributor of said shelters;*
 (b) *Contain safety slogans or messages, which shall occupy not less than sixty percent of the area of the sign;*

(c) *Contain no other message;*

(d) *Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and*

(e) *Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.*

Only signs of types 1, 2 [and] 3, and 6 shall be erected or maintained within view of the scenic system or the primary system."

Debate ensued.

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

On motion of Senator Walgren, the committee amendment to the title was adopted.

On motion of Senator Walgren, Engrossed House Bill No. 289, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Walgren, Engrossed House Bill No. 289 was ordered placed on the third reading calendar following consideration of Engrossed House Bill No. 717.

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

REPORTS OF STANDING COMMITTEES

February 6, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, providing for the abatement and control of noise (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Donohue, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

SUBSTITUTE HOUSE BILL NO. 748, making certain changes in the laws relating to probate (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 757, supplementing law authorizing school patrols (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 820, authorizing method of creating mandatory student association fees at institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1226, regulating metro vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bottiger, Jolly, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Talley.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268, exempting school districts from having to contract for services from fire protection districts (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1295, providing for the establishment, improvement, and upgrading of bicycle routes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice

Chairman; Bottiger, Keefe, Knoblauch, Peterson (Lowell), Sellar, Talley, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, providing for an educational employment relations act (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Jones, Matson, Sellar.

Passed to Committee on Rules for second reading.

MOTION

At 4:03 p.m., on motion of Senator Mardesich, the Senate recessed until 5:15 p.m.

THIRD AFTERNOON SESSION

The President called the Senate to order at 5:15 p.m.

REPORTS OF STANDING COMMITTEES

February 4, 1974.

SENATE BILL NO. 3304, authorizing off-laboratory building at the Washington State University Tree Fruit Research Center and providing for the financing thereof through issuance of bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Fleming, Grant, Lewis (Harry), Metcalf, Peterson (Ted), Scott.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 10, providing that disclaimer of warranties in the sale of consumer goods shall be ineffective (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Dore, Durkan, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 566, by Representatives Ceccarelli, Barden and Chatalas:

Requiring savings and loan associations to pay for the cost of state supervision.

The bill was read the second time by sections.

On motion of Senator Woody, House Bill No. 566 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 566, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch,

Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—41.

Voting nay: Senators Grant, Newschwander—2.

Absent or not voting: Senators Dore, Lewis (R. H. "Bob"), Ridder, Wanamaker—4.

Excused: Senator Durkan—1.

HOUSE BILL NO. 566, having received the constitutional 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 Mardesich, all bills passed thus far today were ordered immediately transmitted to the House.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 149, by Senators Washington and Scott:

Relating to governmental powers.

The time having arrived, the Senate commenced consideration of Senate Concurrent Resolution No. 149.

MOTIONS

On motion of Senator Washington, Substitute Senate Concurrent Resolution No. 149 was substituted for Senate Concurrent Resolution No. 149 and the substitute resolution was placed on second reading and read the second time in full.

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

On page 3, line 19, after "states" and before "in" insert "and/or with the executive committee of the Western Conference of the Council of State Governments and/or with representatives of the National Conference of Legislative Leaders".

On motion of Senator Washington, Engrossed Substitute Senate Concurrent Resolution No. 149 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? Senator Washington, I have in my hand a letter that is called the Northwest Federal Regional Council. It consists of nine separate flags of members who are heading the Regional Council and I imagine that is where this Region Ten that we are in is located. Is that correct?"

Senator Washington: "That is federal. We are not talking about something federal."

Senator Rasmussen: "Is it your intention that we start shoving some of these federal officials back to Washington, D.C.?"

Senator Washington: "Well, I would hope so."

Senator Rasmussen: "And leave the state to run on its own?"

Senator Washington: "I would hope so. I would hope that by using this group to get together and come up with some unified ideas on energy that we could avoid the necessity of passing a resolution like we did this morning asking the federal government to take a less positive approach in environment. Of course we know that by standing back and doing nothing the environmental protection agency has gone so far as to require the city of Spokane to build bicycle trails. They have gone so far as to attempt to get into zoning in the downtown districts of Seattle, and I think if we do not do something they are going to be moving further and further into the field of energy. I feel that there are areas that the states can do something. If we do not act, the federal government is going to take the whole thing."

Senator Rasmussen: "Thank you, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 149, and the resolution passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-47.

Excused: Senator Durkan-1.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 149, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 3360 failed to pass the Senate.

Senator Guess had given notice of reconsideration on February 2, 1974 on Substitute Senate Bill No. 3360.

Debate ensued.

Senator Talley demanded a roll call and the demand was sustained by Senators Rasmussen, Wanamaker, Connor, Whetzel, Clarke, Woodall, Lewis (Harry), Sandison and Woody.

PARLIAMENTARY INQUIRY

Senator Mardesich: "Does a vote 'aye' mean that the Senate would like to reconsider the action?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Mardesich, a vote aye will be to reconsider the vote by which the measure was lost."

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration of the vote by which Substitute Senate Bill No. 3360 failed to pass the Senate failed by the following vote: Yeas, 22; nays, 25.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Connor, Day, Dore, Fleming, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Metcalf, Murray, Scott, Sellar, von Reichbauer, Wanamaker, Washington, Whetzel, Woody-22.

Voting nay: Senators Clarke, Donohue, Francis, Grant, Greive, Guess, Henry, Herr, Jones, Keefe, Marsh, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Woodall-25.

The motion by Senator Mardesich to reconsider the vote by which Substitute Senate Bill No. 3360 failed to pass the Senate was lost.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 637, by Committee on Natural Resources (originally sponsored by Representatives Charette, Thompson, Bausch, Conner, Jastad, Van Dyk, Anderson, Savage, Benitz, Schumaker, Zimmerman, Newhouse, Flanagan, Clemente, Goltz, Paris, Kalich, Haussler, Swayze, North (Lois) and Berentson):

Enacting the forest practices act of 1974.

The bill was read the second time by sections.

On motion of Senator Peterson (Löwell), Engrossed Second Substitute House Bill No. 637 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 Odegaard: "Would Senator Lewis yield? Senator Lewis, I realize this has been redrafted and it is a second substitute bill. I know on the original bill there was a lot of concern by the small gypos of the way it was written. They thought it would prohibit them from doing many things and virtually run them out of business. Is there any problem you see in the second substitute bill for the gypo logger?"

Senator Lewis (Harry): "Senator Odegaard, I would say, in answer to your question, there are problems with this bill with everyone involved. This is truly a compromise. It will protect the forest lands of the state. The gypo logger can live with it. The big logger can live with it. The Department of Ecology can live with it. The Department of Natural Resources can live with it, and overall I think for the people of the state this is the best that we could do. I am certain that we will have a complaint or two, but on the other hand it is time that we made decisions, state decisions, in forest practices because if we do not the Congress will invade this area in our state and we will be working with federal regulation rather than with state. The legislation is long and lengthy. In my view, as a forester, I believe that the gypo logger can live with this legislation."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Lewis yield to a further question? Senator Lewis, have you ever seen Weyerhaeuser, Simpson and all the rest of them waltzing with the Sierra Club like they did when this bill was heard? It made me suspicious, there were so many people throwing their arms around each other, but you assure me that the bill is all right?"

Senator Lewis (Harry): "Well, to me, Senator Rasmussen, it looked more like a tango than a waltz."

POINT OF INQUIRY

Senator Mardesich: "Would Senator Lewis yield? Senator Lewis, is there anything in this bill by way of appropriations for the extra personnel which would be, and if not - I see you are nodding 'no' - how many additional personnel would the department be requesting as a consequence of the passage of this measure?"

Senator Lewis (Harry): "Senator Mardesich, the fiscal note indicates that at the end of the second year the department would be requesting thirty-two employees. You understand there are three different boards created in this legislation. I think, however, and it was agreed that we would pass the legislation in principle and that as far as the number of personnel was concerned, that that debate would be a separate one as it regards the budget. I have talked to the Department of Natural Resources and told them that I personally felt the request was too high and they indicated to me that they are willing to pare it back. So the answer to your question is, there is no fiscal impact in the passage of this legislation and that the implementation of it will depend upon the further action of the legislature in the area of budget."

Senator Mardesich: "I have seen a manning chart with respect to this that indicates there will be about forty new employees rather than the thirty-two you speak of. Is there some new chart?"

Senator Lewis (Harry): "Senator Mardesich, that was the first substitute bill that had that number in it, as I understand it. This legislation has thirty-two point seven at the end of the second year, including everybody involved is what they are proposing."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 637, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Waigren, Wanamaker, Washington, Whetzel, Woodall, Woody-42.

Voting nay: Senators Fleming, Francis, Grant, Mardesich, Odegaard-5.

Excused: Senator Durkan-1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 637, having received the constitutional majority, 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. 717, by Representatives Polk, Parker and Brown:

Relating to compensation of the organized militia.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Engrossed House Bill No. 717 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 717, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Waigren, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senator Wanamaker-1.

Excused: Senator Durkan-1.

ENGROSSED HOUSE BILL NO. 717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED HOUSE BILL NO. 289, by Representatives Polk, Lysen, Freeman and Julin:

Providing for motorists' information signs.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 289, as amended by the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "I have a question of Senator Wanamaker. I asked about service club signs or church signs as you went into a city. You said this was taken care of here but I cannot find it in the bill."

Senator Wanamaker: "No, they are not allowed under this type of sign."

Senator Bailey: "Then another question, Senator Wanamaker. Does this bill extend to inside of the city limits of any town?"

Senator Wanamaker: "No, it does not take in commercial zones. It is outside of commercial."

Senator Bailey: "I said city limits?"

Senator Wanamaker: "I would consider city limits as incorporated limits as city zones and it does not cover that, no."

Senator Bailey: "In other words you would think the intent of the law as you read it would be that service clubs or church directories inside of an incorporated city limit would probably be legal then?"

Senator Wanamaker: "I think they are now even without this bill."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, so there is no confusion, there are two bills. One of them deals with commercial zones and inside corporate limits. Senator Wanamaker's bill is outside of that area. His bill does not change it. I think, Senator Bailey, that the Kiwanis sign and the church sign are illegal now. This bill will not change it but there is another one coming along that hopefully will."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 289, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senators Grant, Metcalf—2.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 289, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 761, by Representatives Smythe, Eikenberry, Smith, Barden, Parker and Tilly:

Increasing penalties for defrauding hotels, inns, restaurants and boarding houses.

The bill was read the second time by sections.

On motion of Senator Francis, Engrossed House Bill No. 761 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 761, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray,

Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Voting nay: Senators Grant, Scott—2.

Absent or not voting: Senator Matson—1.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 761, having received the constitutional majority, 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. 804, by Representatives Freeman, Bagnariol, Pullen, Eng, Kopet, Curtis, Hansen, North (Frances), Cunningham, Kelley, Smythe, Charette, Gaspard, Polk, Kuehnle, Barden, Eikenberry, Rabel, Hendricks, Schumaker, Kraabel, Pardini, Hayner, Randall, Matthews, Gilleland, Hansey and Leckenby:

Enacting the truth in spending act of 1974.

The bill was read the second time by sections.

On motion of Senator Dore, Engrossed House Bill No. 804 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 804, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 3; excused, 1.

Voting yea: Senators Bailey, Bottiger, Clarke, Connor, Day, Donohue, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Voting nay: Senators Atwood, Canfield—2.

Absent or not voting: Senators Francis, Matson, Twigg—3.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 804, having received the constitutional majority, 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. 1031, by Representatives Curtis, Kilbury, Hansen, Tilly and Morrison:

Adding new members to the agricultural pesticide advisory board.

The bill was read the second time by sections.

On motion of Senator Jolly, Engrossed House Bill No. 1031 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1031, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 6; excused, 1.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—41.

Absent or not voting: Senators Atwood, Bottiger, Fleming, Francis, Twigg, Woody—6.
Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 1031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1077, by Committee on Commerce (originally sponsored by Representatives Wojahn, McCormick, Savage and Laughlin):
Requiring contractual provisions to provide hospitalization for alcoholism.

REPORT OF STANDING COMMITTEE

February 4, 1974.

SECOND SUBSTITUTE HOUSE BILL NO. 1077, requiring contractual provisions to provide hospitalization for alcoholism (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 2, line 1, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services."

On page 2, section 3, line 11, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services."

On page 2, section 4, line 19, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services."

On page 2, section 5, line 27, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services."

On page 3, section 6, line 2, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services."

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Greive, Herr, Jones, Murray, Ridder, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments were considered and adopted simultaneously.

On motion of Senator Day, Second Substitute House Bill No. 1077, 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 Woodall: "Will Senator Clarke yield? Senator Clarke, you are beyond doubt the most knowledgeable on insurance here. Do you read it the same way as Senator Francis, that namely a nonuser of alcohol would be mandated by law to buy a policy guaranteeing that he will not become an alcoholic or something of that nature? Is that the way you read it?"

Senator Clarke: "Yes, Senator. The effect of this bill would be to mandate all policies and all health care programs to include coverage of disability or treatment resultant from alcoholism. Now I can go along with that insofar as group contracts are concerned because when you are negotiating a contract for a group, then I think it is desirable to include or even possibly to mandate the inclusion of all types of disability that would be likely to occur within the group. Now I had offered in the committee an amendment which would have eliminated from the bill individual accident and health contracts and that was defeated, I think, by a four to three vote. Now I thoroughly agree with the bad feature, that is it is a bad feature of this bill that an individual who is a complete nondrinker, under this bill when he buys a health or accident policy will be mandated to buy a policy that will include coverage against treatment for alcoholism. And in this way he is forced in substance to subsidize the balance of the policyholders. I can see this as a group concept but I do rather

strongly object to the idea of mandating that an individual cannot buy a policy which will be restricted to the type of thing that he actually wants protection against. If he is a nondrinker I do not see why he should be forced to buy a policy that includes treatment for alcoholism and in substance made to pay for that particular coverage."

Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Clarke, if we did not have the provision in this act that mandated the coverage for this disease, whether you are a drinker or not, and at some point in time because it was diagnosed that you had the potential, which we all have the potential, but you were a heavy drinker or either you were diagnosed as an alcoholic, would that person at that time as Senator Greive said — it would be a tough situation for him to probably get the policy, but if he could get the policy he probably would be charged an increase in premium or an extra amount. Would he or would he not under those circumstances?"

Senator Clarke: "Senator, to answer you more or less in order of your questions, in the first place I think that if the person is a nondrinker and wants to buy a coverage which will not include hospitalization for alcoholism that if he starts to drink, why then quite probably he would reconsider and might want to buy a policy that would include that coverage. That is just like any other type of insurance. You normally do not wish to buy or pay a premium for a hazard to which you are not subject. And I think that is the inherent right of an individual to so contract. And I do not think it is up to society to mandate that if he takes any insurance at all he has to include a whole lot of hazards that do not apply to him. So as I said at the outset, I can understand when you are having a group policy that is going to cover a group of people where you know there will be people who will be needing this type of coverage, then it is one thing to mandate it. But to say that an individual must buy something he does not need, I do not think is in the public interest."

Senator Fleming: "Senator Clarke, a second question on that. If there was this added increase and I know that you probably cannot presuppose the situation, but there was an added increase, from my limited knowledge of insurance if I all of a sudden decided I wanted that insurance if it was not in this bill, the premium that I probably would have to pay for that would probably come to a lot more than the ten cents that Senator Day talked about."

Senator Clarke: "Senator, this is not unlike a situation where you elect not to buy accident and health insurance and then all of a sudden you find out that you are afflicted with some sort of a disease or a disability and for that reason want to buy insurance. Then I think it is quite obvious that in fairness to the other people who are buying insurance you should not then be permitted to buy that type of coverage for the identical premium because you are then in a high hazard class and you have elected not to buy while you were healthy a noncancellable type of coverage. Now I think that in all of these insurance matters it is simply a question of equity to the individual. I think each individual should pay a premium commensurate upon the expectancy of his hazard. Now if you want to look at it from a social program where, in effect, you are levying a tax, not making a voluntary purchase, but you are getting into what amounts to social security, that is another philosophy."

POINT OF INQUIRY

Senator Mardesich: "Will Senator Clarke yield? From the discussion I have been listening to it seems to me that we should probably have this bill relate only to group policies. If that is so, would it not have been wise to offer an amendment, or do you think it would be in order for us to return it?"

Senator Clarke: "Senator, I offered that amendment in committee and it was voted down four to three. It is really a very simple amendment. All you need to do is to strike two sections of the bill which are the sections that relate to private insurance."

MOTIONS

On motion of Senator Mardesich, Second Substitute House Bill No. 1077, as amended by the Senate, was returned to second reading.

On motion of Senator Mardesich, Second Substitute House Bill No. 1077, as amended by the Senate, was ordered held for further consideration following House Bill No. 1282.

SECOND READING

HOUSE BILL NO. 1240, by Representatives Brown, Amen and Haussler:
Removing certain meat dealers' fees.

The bill was read the second time by sections.

On motion of Senator Jolly, House Bill No. 1240 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1240, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Bottiger—1.

Absent or not voting: Senator Wanamaker—1.

Excused: Senator Durkan—1.

HOUSE BILL NO. 1240, having received the constitutional majority, 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. 1261, by Representatives Bagnariol and Kopet (by Office of Program Planning and Fiscal Management request):

Abolishing the motor vehicle excise tax fund and providing for the distribution of motor vehicle excise taxes from the general fund.

The bill was read the second time by sections.

On motion of Senator Donohue, House Bill No. 1261 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Donohue yield to a question? Senator, what is the condition of the general fund as of this date?"

Senator Donohue: "Senator Rasmussen, I think that there were two or three figures floating around up in Ways and Means, but I think in the area of one hundred and fifty million."

Senator Rasmussen: "In the red?"

Senator Donohue: "That is correct. When we get through with two or three of these bills that we have had, we have passed some, it will look a lot better. We will be probably forty million in the red. It is a matter of shifting of funds and dates to make it look good."

Senator Rasmussen: "Senator, do you believe that figures do not lie but liars do figure, or how does that go? That is in a quote."

Senator Donohue: "You would have to determine that, Senator. I will have to look that quote up."

POINT OF INQUIRY

Senator Woodall: "Would Senator Donohue yield to a question? Senator Donohue, I read in the paper about a month or so before we came over here, I realize it was not a release out of your office but out of the Governor's office, that he had found some ten, fifteen extra million that he did not know he had and we were in great shape and we had this extra money here. I began to get phone calls from people saying that they would like some of it and we had it over here because they had read that news release. Now was there ever that extra found money and if there was, where did it go?"

Senator Donohue: "Senator Woodall, the Ways and Means Committee with the earnest chairman has been chasing that fifteen or twenty million around trying to find it, Senator, and as yet we have not found it."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1261, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woody—42.

Voting nay: Senators Metcalf, Rasmussen, Washington, Woodall—4.

Absent or not voting: Senators Lewis (Harry), Peterson (Lowell)—2.

HOUSE BILL NO. 1261, having received the constitutional majority, 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. 1272, by Representatives Valle, Pardini, Ceccarelli, Polk, Kelley, Van Dyk and Matthews:

Providing disability insurance for services of oral surgeons licensed under the dentistry act.

The bill was read the second time by sections.

On motion of Senator Dore, House Bill No. 1272 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1272, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Connor, Peterson (Lowell)—2.

HOUSE BILL NO. 1272, having received the constitutional majority, 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. 1282, by Representatives Bauer, Brown and Perry (by Superintendent of Public Instruction request):

Authorizing school transportation pilot program and transferring certain programs from jurisdiction of superintendent of public instruction.

REPORT OF STANDING COMMITTEE

February 4, 1974.

HOUSE BILL NO. 1282, authorizing school transportation pilot program and transferring certain programs from jurisdiction of superintendent of public instruction (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, following section 5, add a new section as follows:

"NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW a new section to read as follows:

Notwithstanding any other provision of law or this chapter, chapter 28A.65 RCW, any school district may submit a request to the state superintendent of public instruction for authority to stipulate that the preliminary budget of such district shall become in fact the final budget thereof, such procedure being subject to rules and regulations as promulgated by the state superintendent of public instruction in accordance with chapter 34.04 RCW, the administrative procedure act."

Renumber the remaining sections consecutively.

On line 9 of the title after "70.82.040;" insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW;"

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

On motion of Senator von Reichbauer, the committee amendment to the title was adopted.

On motion of Senator von Reichbauer, House Bill No. 1282, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator von Reichbauer yield to a question?"

Senator von Reichbauer: "I will yield to any clear question."

Senator Rasmussen: "The Senator should know that we used to have 'crystal clear' sitting up there in the front row of the Senate for many years. Saltwater Riley. This bill is going to start a pilot program?"

Senator von Reichbauer: "Yes, sir."

Senator Rasmussen: "Does it require the local school district to consent to the transfer of its bus transportation to the intermediate school district?"

Senator von Reichbauer: "Yes, sir, it does. And for your information, there is no new appropriation. I did not mention this. We expect or project two hundred thousand dollars and this is in SPI funds. There is no appropriation."

Senator Rasmussen: "My question is, suppose that Lakewood and Bethel and Franklin-Pierce, the superintendent just declares that he is going to set this pilot program forth and put the intermediate school district in charge of it. They then have to go along with that or can they stay out if they so desire?"

Senator von Reichbauer: "No, sir. SPI has direct authority over this program."

Senator Rasmussen: "I am not sure how it is going to work. They can do that without their permission."

POINT OF INQUIRY

Senator Woody: "Would Senator von Reichbauer yield? I am looking quickly through this bill. I see section 5, I assume it is still in there, that talks about the transfer of the environmental studies center to the intermediate school districts."

Senator von Reichbauer: "Right."

Senator Woody: "What is the purpose of this? That really was not the question. I am wondering what we are talking about in the way of the environmental studies."

Senator von Reichbauer: "It transfers the operation of the Cispus Environmental Studies Center from the state office to the ISD. Both of these transfers are supportive of the SPI effort to transfer operating programs to other appropriate agencies."

Senator Woody: "In the school bus consolidation pilot program in testimony before your committee, were there any particular school districts that were discussed so far as being involved with the pilot program?"

Senator von Reichbauer: "Not directly, but it projected Vancouver and Pierce County."

Senator Woody: "And if those school districts were to utilize this pilot program, would they effectively use most of the two hundred thousand dollars that is on pages 2 and 3?"

Senator von Reichbauer: "Yes."

Senator Woody: "There would not be anything left over for any other school districts?"

Senator von Reichbauer: "Not on this pilot program."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1282, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent or not voting, 2.

Voting yea: Senators Bailey, Bottiger, Connor, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Woody—29.

Voting nay: Senators Atwood, Canfield, Clarke, Day, Guess, Jones, Lewis (R. H. "Bob"), Matson, Metcalf, Newschwander, Rasmussen, Talley, Twigg, Wanamaker, Washington, Whetzel, Woodall—17.

Absent or not voting: Senators Henry, Lewis (Harry)—2.

HOUSE BILL NO. 1282, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1077, by Committee on Commerce (originally sponsored by Representatives Wojahn, McCormick, Savage and Laughlin):

Requiring contractual provisions to provide hospitalization for alcoholism.

The Senate resumed consideration of Second Substitute House Bill No. 1077, as amended by the Senate, having been returned from third reading on motion of Senator Mardesich earlier today.

On motion of Senator Clarke, the following amendments were adopted simultaneously:

On page 1, beginning on line 21, strike all of section 2. Renumber remaining sections consecutively.

On page 2, beginning on line 20, strike all of section 5, and renumber remaining sections consecutively.

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

On line 1 of the title, after "services;" strike "adding a new section to chapter 48.20 RCW;" and on line 3 after "48.21 RCW;" strike "adding a new section to chapter 48.21A RCW;"

On motion of Senator Clarke, Second Substitute House Bill No. 1077, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1077, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Voting nay: Senator Fleming—1.

SECOND SUBSTITUTE HOUSE BILL NO. 1077, as amended by the Senate, having received the constitutional majority, 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. 1294, by Representatives Bauer and Hoggins (by Superintendent of Public Instruction request):

Enumerating additional impediments to local registration of teachers' certificates and additional grounds for revocation therefor.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, House Bill No. 1294 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

There being no objection, on motion of Senator von Reichbauer, House Bill No. 1294 was returned to second reading.

Senator von Reichbauer moved adoption of the following amendment:

On page 1, line 16, after "*excepting*" strike "*possible*".

POINT OF INQUIRY

Senator Atwood: "Will Senator von Reichbauer yield? Senator von Reichbauer, you are exempting all kinds of motor vehicle violations from that operation of this particular bill. Such things as DWI, negligent homicide and a few other little goodies that are classified as motor vehicle violations. Is not that correct? Is that what you intend to do?"

Senator von Reichbauer: "We are with the effect of that. Yes, sir."

Senator Atwood: "Don't you think that is a little broad? If a person has four or five DWI's he should be the same as the other categories in your measure?"

Senator von Reichbauer: "I do not know if that would fall into the same category as sexual abuse of children, physical injury of children, or physical neglect of children."

MOTION

On motion of Senator Mardesich, further consideration of House Bill No. 1294, together with the pending amendment by Senator von Reichbauer, was ordered placed at the end of today's second reading calendar.

SECOND READING

HOUSE BILL NO. 1302, by Representatives Ceccarelli, Pardini and Gaspard:

Providing for changes in laws regulating industrial development corporations.

The bill was read the second time by sections.

On motion of Senator Dore, House Bill No. 1302 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Dore yield to a question? Senator Dore, does this affect the new type of corporations that the city of Seattle intends to set up under the law that recently passed the Senate?"

Senator Dore: "I would say not. It has been on the books for a number of years. It is not about the Model City public corporations that were authorized."

Senator Rasmussen: "That is not the only one. They are going to have half a dozen of them over there."

Senator Dore: "I would say no, positively no. These are lending corporations that make loans to industry when they cannot get them through conventional sources such as banks. It has nothing to do with that, Senator. It is possible that it might, but I would say it is not for that purpose, but I cannot conceive how these Model Cities agencies are going to engage in industrial development. I cannot see it. I think mostly they are engaged in social situations and things of that nature, not industrial development."

Senator Rasmussen: "What about the small business loans?"

Senator Dore: "Senator, this is the situation, as I understand it from the testimony. This is a public corporation, lending corporation, which after an industrial account applies for a loan to a conventional bank. They do not satisfy the loan criteria so they are turned down. Then they turn to this corporation and if the corporation feels that the industrial development would mean more jobs for this particular community, for instance, Senator Keefe just whispered in my ear, in Spokane the loaning of this money resulted in three thousand new jobs, he said, by a series of loans that have been made through the years, even though today only a million dollars is outstanding. I do not know if those figures are entirely accurate. Sometimes the Senator from Spokane is prone to exaggerate. Maybe it is not three thousand, maybe it is only two thousand nine hundred. But that is the purpose of the bill, to make industrial loans in those cases where conventional sources have turned down the loan for one reason or another. It has nothing to do with the Model Cities. It has been on the books for a long time. The only amendment in this bill of any importance is expansion of the amount of money then can loan. Now they are limited to an amount equal to ten times their paid-in capital. Now this bill provides they can loan up to an amount equal to fifteen times their paid-in capital. So they are loaning now, I think, about a million dollars, their maximum amount in Spokane. They will be able to go up to a million point five."

Senator Rasmussen: "Thank you for your answer. I was a little curious because the Small Business Administration has been engaged in that. They have been dumping the taxpayers' money out on many questionable deals. They never seem to get very much back."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1302, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Atwood, Durkan, Fleming—3.

HOUSE BILL NO. 1302, having received the constitutional majority, 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. 1303, by Representatives Gaspard, Pardini and Ceccarelli:

Providing for changes in the state securities law.

The bill was read the second time by sections.

On motion of Senator Dore, Engrossed House Bill No. 1303 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage:

MOTION

On motion of Senator Dore, Engrossed House Bill No. 1303 was ordered placed at the end of the third reading calendar for today.

SECOND READING

HOUSE BILL NO. 1309, by Representative Bauer (by Superintendent of Public Instruction request):

Deleting superfluous and misleading RCW references from 1969 school building financial assistance act.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, House Bill No. 1309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

There being no objection, Senator Durkan was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1309, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan—1.

HOUSE BILL NO. 1309, having received the constitutional majority, 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. 1373, by Representatives Laughlin, Haussler, Amen, Benitz, Hansen, Kilbury, Schumaker and Tilley:

Making changes in the laws controlling noxious weeds.

On motion of Senator Jolly, Engrossed House Bill No. 1373 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1373, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 1373, having received the constitutional majority, 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. 1388, by Representative Van Dyk:

Making certain changes in the laws relating to food packaging.

The bill was read the second time by sections.

On motion of Senator Jolly, House Bill No. 1388 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1388, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan—1.

HOUSE BILL NO. 1388, having received the constitutional majority, 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. 1420, by Representatives Clemente, Kopet and Luders (by Superintendent of Public Instruction request):

Setting forth distribution formula for state funds apportioned to school districts.

REPORT OF STANDING COMMITTEE

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1420, setting forth distribution formula for state funds apportioned to school districts (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 3, following section 1, add a new section to read as follows:

"*NEW SECTION.* Sec. 2. Notwithstanding any other law to the contrary, the minimum guarantee of state and local funds to school districts for the 1974-75 school year shall be lesser of the following amounts: Ninety-five percent of the average amount per enrolled student, excluding special levies, which a district realized from state and local funds during the preceding three school years; or, the total amount of money received from state and local funds, excluding special levies and the July, 1973, distribution of state collected 2-mill revenue to schools, during the 1973-74 school year."

On line 4 of the title after "RCW 28A.48.010" and before the period insert "; and creating a new section".

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendment was adopted.

On motion of Senator Odegaard, the committee amendment to the title was adopted.

On motion of Senator Odegaard, Engrossed House Bill No. 1420, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1420, as

amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senator Durkan—1.

ENGROSSED HOUSE BILL NO. 1420, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1463, by Representatives Perry, Charnley, Kraabel, Berentson and Hayner (by Superintendent of Public Instruction request):

Authorizing school districts to enter into contracts with other governmental entities to provide for transportation of both students and the public through use of school transportation facilities.

REPORT OF STANDING COMMITTEE

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1463, authorizing school districts to enter into contracts with other governmental entities to provide for transportation of both students and the public through the use of school transportation facilities (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, section 1, after "RCW" insert "or chapter 35.58 RCW".

On page 1, line 15, section 1, after "entered" strike "in to" and insert "into for purposes of transportation".

On page 1, line 16, section 1, after "shall" insert "conform with the provisions of RCW 35.58.250 where applicable and shall".

On page 1, line 22, section 1, after "public" insert "transportation,"

On page 1, line 26, section 1, after "transportation" insert ", and such transportation has been approved by any metropolitan municipal corporation performing public transportation pursuant to chapter 35.58 RCW in the area to be served by the district".

On page 1, following section 1, add a new section as follows:

"*NEW SECTION.* Sec. 2. There is added to chapter 39.34 RCW a new section to read as follows:

"In addition to any authority contained in any other provision of law, any school district may, pursuant to contract entered into under chapter 39.34 RCW, contract with the county in which such district is located for the performance of legal services to the district by the prosecuting attorney of the county. The terms and conditions to be mutually agreed upon will include but not be limited to the payment of such sums of money as may be mutually agreed upon in such contract for the performance of such services. Further, any such contracts which may have been entered into in the past are hereby approved."

On line 2 of the title after "28A.24 RCW" insert "; and adding a new section to 39.34 RCW".

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

The bill was read the second time by sections.

Senator von Reichbauer moved adoption of the committee amendments to page 1, lines 9, 15, 16, 22 and 26 simultaneously.

Debate ensued.

POINT OF INQUIRY

Senator Greive: "Will Senator von Reichbauer yield to a question? I want you to know that there are two of us up on either side of this question and both of us want to know — Senator Mardesich is against it and I am for it — what does this have to do with Metro?"

Senator von Reichbauer: "Senator Greive, I will yield to Senator Bottiger."

Senator Bottiger: "Mr. President and members of the Senate, this bill is a bill that up to and including the first five amendments pertains to contracting by school districts with other units of government including other school districts for transportation of children and all they are doing is making sure that Metro was a possible contractor."

The motion by Senator Von Reichbauer carried and the committee amendments to page 1, lines 9, 15, 16, 22 and 26 were adopted.

Senator von Reichbauer moved adoption of the committee amendment to page 1, following section 1, adding a new section.

POINT OF ORDER

Senator Odegaard: "I make the point of the scope and object of this amendment.

"Mr. President and members of the Senate, this bill deals with the transportation involving Metro, House Bill No. 1463, and this amendment involves the prosecuting attorney fees for the services rendered to school districts. I think they are two completely different things and it broadens the scope and object of this bill."

REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "I believe this question came up in the committee meeting and it was discussed and the Chair so ruled before we adopted the amendment that he believed it was within the scope and object of this bill so we adopted the amendment in committee and I would like to say that this section, along with the first section of the bill, both deal with contracting and that was the reason we saw fit to amend it at this time."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Speaking to the point of order, I would like to support Senator Newschwander on this measure. In committee we did address ourselves to it and we are looking at Engrossed House Bill No. 1463 that dealt with school districts going into contracts or making agreements pursuant to chapter 39.34 RCW with counties. And the amendment that is added, "There is added chapter 39.34 RCW" and it indicates that school districts as the bill pursuant to contracts under chapter 39.34 RCW may contract with counties for the performance of these legal services, and so I hope that the President will take these remarks into consideration in making his decision."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, in looking at the bill, the contracts that are referred to are bus transportation contracts. The amendment expands that substantially into legal services, and I think the scope and object is clearly expanded by the amendment."

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 1463, together with the adopted committee amendments and the committee amendment to page 1, adding a new section, and the point of order as raised by Senator Odegaard on that amendment, was ordered held for a Ruling by the President at the end of today's second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1525, by Committee on Social and

Health Services (originally sponsored by Representatives Adams, Knowles, Freeman, Kelly, Parker, Wojahn and Matthews):

Relating to civil commitment.

MOTIONS

On motion of Senator Francis, Engrossed Substitute House Bill No. 1525 was ordered to hold its place on the second reading calendar for Wednesday, February 6, 1974.

On motion of Senator Scott, Senator Metcalf was excused.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 17, by Representatives Martinis, Savage, Smythe, Conner, Thompson and Wilson:

Petitioning Congress to enact legislation to protect employee pension rights.

The memorial was read the second time in full.

On motion of Senator Rasmussen, Engrossed House Joint Memorial No. 17 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 17, and the memorial passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Durkan, Metcalf—2.

ENGROSSED HOUSE JOINT MEMORIAL NO. 17, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, by Committee on Transportation and Utilities (originally sponsored by Representatives Douthwaite and Kraabel):

Changing the laws relating to metropolitan municipal corporations.

MOTION

On motion of Senator Fleming, Engrossed Substitute House Bill No. 1063 was ordered to hold its place on the second reading calendar for Wednesday, February 6, 1974.

SECOND READING

ENGROSSED HOUSE BILL NO. 1508, by Representatives Blair, Parker, Kraabel, Luders, Wojahn and Erickson:

Allowing insurance rates to reflect differences on risk factors between the sexes.

MOTIONS

On motion of Senator Mardesich, Engrossed House Bill No. 1508 was order to hold its place on the second reading calendar for Wednesday, February 6, 1974.

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

REPORTS OF STANDING COMMITTEES

February 5, 1974.

REENGROSSED HOUSE BILL NO. 387, implementing law relating to school district organization (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 393, providing for a corporation to sue or be sued in its corporate name (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Newschwander, Woody.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 549, regulating sale and transfer of devices adapted for the use of drugs by injection (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Clarke, Connor, Jones, Murray, Ridder, Twigg, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 624, relating to excluding baby sitting referral services from the definition of employment agencies (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Greive, Chairman; Francis, Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 662, relating to liability of persons withdrawing blood (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Clarke, Connor, Jones, Murray, Ridder, Twigg.

Passed to Committee on Rules for second reading.

February 5, 1974.

SUBSTITUTE HOUSE BILL NO. 671, relating to implementing the laws relating to the length of boxing matches (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Greive, Chairman; Francis, Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 816, requiring trains to show oscillating lights (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Keefe, Knoblauch, Peterson (Lowell), Sellar, Washington.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 931, implementing the laws relating to insurance (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Clarke, Keefe, Newschwander, Woody.

Passed to Committee on Rules for second reading.

February 5, 1974.

SUBSTITUTE HOUSE BILL NO. 967, relating to providing for special packaging to protect children from certain substances (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Greive, Chairman; Francis, Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1144, providing for health care of newborn infants (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Newschwander, Woody.

Passed to Committee on Rules for second reading.

February 4, 1974.

HOUSE BILL NO. 1183, making certain changes in the laws relating to emergency services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Clarke, Connor, Jones, Murray, Ridder, Twigg, von Reichbauer.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1255, permitting compactor type two axle garbage trucks to purchase additional gross weight tolerances (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1281, providing for minimum standard conditions and terminology for health care services contracts (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Clarke, Keefe, Newschwander, Woody.

Passed to Committee on Rules for second reading.

POINT OF INQUIRY

Senator Day: "Would Senator Dore yield? Senator Dore, would you object to my committee looking at Senate Bill No. 1281?"

Senator Dore: "Not personally, Senator, but the members of my committee might."

REPORT OF STANDING COMMITTEE

February 4, 1974.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, requiring the depart-

ment of social and health services develop a cost-related reimbursement system for nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Clarke, Connor, Francis, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

MOTION

At 7:35 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Wednesday, February 6, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Washington, Wednesday, February 6, 1974.

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 Twigg.

The Color Guard, consisting of Pages Bill Sparks and Meran Mardesich, presented the Colors. Reverend James S. Dolin, pastor of the Emmanuel Baptist Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE PAUSE AT THE BEGINNING OF THIS SESSION OF BUSINESS TO ASK YOUR PRESENCE AND BLESSINGS UPON THIS ASSEMBLY OF LAWMAKERS HERE THIS MORNING. WE PRAY FOR EACH OF THESE MEN AND WOMEN WHO REPRESENT THE PEOPLE OF THIS GREAT STATE OF WASHINGTON, AND IN WHOSE POWER RESTS, TO A LARGE DEGREE, THE STATUS AND WELL-BEING OF ALL OUR PEOPLE. THEREFORE, WE PRAY THAT YOU WILL GIVE TO EACH OF THESE IN THIS ASSEMBLY HERE TODAY A KEEN INSIGHT INTO THE NEEDS OF OUR PEOPLE; A DEEP DEVOTION TO THEIR APPOINTED RESPONSIBILITIES; AND THE ABILITY TO STAND UPON THEIR CONVICTIONS WITH DUE RESPECT AND CONSIDERATION FOR THE CONVICTIONS OF OTHERS. WE PRAY THAT YOU WILL GIVE TO EACH ONE A DEEP SENSE OF RIGHT RESPONSIBILITY TO YOU AS THEY CONSIDER THESE MEASURES THAT WILL AFFECT EVERY PERSON IN OUR STATE. WITH GRATITUDE WE ASK THESE BLESSINGS IN THY NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 1974.

SENATE BILL NO. 3170, enacting emergency energy legislation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3170 be substituted therefor and the substitute bill do pass and that the substitute bill be referred to the Committee on Ways and Means.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Keefe, Knoblauch, Peterson (Lowell), Talley, Washington.

There being no objection, Senate Bill No. 3170 was referred to the Committee on Ways and Means.

February 6, 1974.

SUBSTITUTE HOUSE BILL NO. 94, providing for veterans' preference in civil service examinations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch.

Passed to Committee on Rules for second reading.

February 5, 1974.

SECOND SUBSTITUTE HOUSE BILL NO. 383, providing standards for approval of plats and subdivisions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Connor, Lewis (R. H. "Bob"), Murray, Ridder, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 515, pertaining to public work contracts in first class cities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1118, permitting banks to advise municipal employee retirement systems in regard to stock investments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1147, changing the population requirements for a full time justice of the peace (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 6, 1974.

ENGROSSED HOUSE BILL NO. 1169, establishing the Washington commission on Asian-American affairs (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1258, requiring interest to be paid by the state and its political subdivisions on judgments arising out of their tortious conduct (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1269, adding additional judge for counties of Clallam and Jefferson jointly (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 5, 1974.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2429,

ENGROSSED SENATE BILL NO. 2551,

SENATE BILL NO. 3022,

SENATE BILL NO. 3037,

SUBSTITUTE SENATE BILL NO. 3049,

SENATE BILL NO. 3184, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2429,

SENATE BILL NO. 2551,

SENATE BILL NO. 3022,

SENATE BILL NO. 3037,

SUBSTITUTE SENATE BILL NO. 3049,

SENATE BILL NO. 3184.

MESSAGES FROM THE HOUSE

February 5, 1974.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2095,

SUBSTITUTE SENATE BILL NO. 2120,

SENATE BILL NO. 2937,

SENATE BILL NO. 3029,

SUBSTITUTE SENATE BILL NO. 3032,

SENATE JOINT MEMORIAL NO. 134, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 5, 1974.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2046,

SENATE BILL NO. 2574,

SENATE BILL NO. 2961,

SENATE BILL NO. 2962, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 151, by Senators Atwood, Mardesich and Bailey:

Authorizing a study of retirement systems.

Referred to Committee on State Government.

MOTION

At 10:10 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 11:50 a.m.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1525, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Knowles, Freeman, Kelley, Parker, Wojahn and Matthews):

Relating to civil commitment.

REPORT OF STANDING COMMITTEE

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1525, relating to civil commitment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 23, section 23, line 6, after "*section*" and before "*of*" strike "20" and insert "19".

On page 30, section 28, line 26, before "[and knowingly]" strike "[wilfully]" and insert "wilfully".

On page 30, section 28, line 27, after "*in*" and before "*violation*" strike "*wilful and knowing*".

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Marsh.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment to page 23, section 23, line 6 was adopted.

Senator Francis moved adoption of the committee amendments to page 30, section 28, lines 26 and 27.

POINT OF INQUIRY

Senator Woodall: "Would the Senator yield? Senator, I have had a will contest where this matter came up. Suppose in the examination of the person they are committing part of the background they run into is a syphilitic background, a case of something that was untreated, and it is deemed that that was a contributing cause to the particular mental difficulty with which this person is now suffering, and that goes into a report. Now would that be a violation of what we are talking about here with this amendment or not?"

Senator Francis: "No, I do not think it would be a violation. What kinds of situations allow release of information are covered elsewhere in the present law."

The motion of Senator Francis carried and the committee amendments to page 30 were adopted simultaneously.

Senator Atwood moved adoption of the following amendment:

On page 8, section 6, line 26, after "request" and before the period insert "*PROVIDED, HOWEVER, That if the staff of any public or private agency regards a person voluntarily admitted as dangerous to himself or others or gravely disabled as defined by this act, they may detain such person for a reasonable length of time sufficient to notify the designated county mental health professional of such person's condition to enable such mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to the provisions of this act*".

On motion of Senator Francis, the following amendment to the amendment by Senator Atwood was adopted:

On line 6 of the amendment, after "time" insert "*, not to exceed four days,*".

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

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

On page 11, section 8, line 11, after "or cause" insert "*by oral or written order*".

Senator Day moved adoption of the following amendment:

On page 18, beginning on line 29 delete all the matter down through and including line 6 on page 19 and insert:

"The physician-patient privilege shall be deemed waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that it is unreasonable for the petitioner seeking 14-day involuntary treatment to obtain a sufficient evaluation of the detained person by a psychiatrist or psychologist or other health professional and such waiver is necessary in the opinion of the court to protect either the detained person or the public.

Whenever the physician-patient privilege is deemed waived pursuant to this section, the waiver shall be limited to the introduction of relevant and competent medical records or testimony of an evaluation or treatment facility or its staff, a facility of the department of social and health services or its staff, or a facility certified for 90-day treatment by the department of social and health services or its staff for the purpose of meeting evaluation requirements contained in chapter 10.77 RCW and chapter 71.12 RCW: PROVIDED HOWEVER, That the physician-patient privilege shall not be waived if the physician specifically identifies himself to the detained person as one who is communicating with that person for treatment only."

POINT OF INQUIRY

Senator Atwood: "Would Senator Day yield? In your amendment you have apparently deleted all references to the records and I think that is probably the key to any evaluation. You have deleted the entire amendment and I think that is very bad, Senator. I think the records are always available and that is what this main amendment was directed to, and now you have taken any reference out of the bill to the patient's records and I think that you did not mean to do that."

Senator Day: "It is right in the second section of the amendment, the second paragraph. 'The waiver shall be limited to introduction of relevant and competent medical records or testimony.'"

Senator Atwood: "Let me point out to you the law is now that there is no doctor-patient privilege on these records and they could be hospital records. Now you have given them a privilege that never existed before and you are going to create all kinds of problems. That is what this amendment does."

MOTION

On motion of Senator Day, Engrossed Substitute House Bill No. 1525, together with the adopted amendments and the amendment by Senator Day pending, was made a special order of business for 2:15 p.m. today.

MOTION

On motion of Senator Scott, Senator Twigg was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, by Committee on Transportation and Utilities (originally sponsored by Representatives Douthwaite and Kraabel):

Changing the laws relating to metropolitan municipal corporations.

The bill was read the second time by sections.

On motion of Senator Fleming, the following amendment by Senators Fleming and Grant was adopted:

On page 2, section 2, line 32, after "council" and before the "[" insert "*except elected public officials serving on a full-time salaried basis*".

On motion of Senator Walgren, Engrossed Substitute House Bill No. 1063, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1063, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Durkan, Fleming—2.

Excused: Senator Twigg—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1508, by Representatives Blair, Parker, Kraabel, Luders, Wojahn and Erickson:

Allowing insurance rates to reflect differences on risk factors between the sexes.

The bill was read the second time by sections.

Senator Dore moved adoption of the following amendment by Senators Dore and Marsh:

On page 2, line 25, add a new section 3 as follows:

"NEW SECTION. Sec. 3. As the energy crisis has effectuated a reduction of speed and traffic, causing excess profits in automobile insurance policies, therefore, the Insurance Commissioner, by March 1, 1974, shall order a reduction of at least five percent in casualty insurance rates and premiums, without discrimination of the sexes."

POINT OF ORDER

Senator Clarke: "I question the scope and object of this particular amendment, Mr. President."

Debate ensued.

Senator Dore moved that further consideration of Engrossed House Bill No. 1508 and the pending amendment by Senators Dore and Marsh be held at the end of today's second reading calendar.

Further debate ensued.

RULING BY THE PRESIDENT

The President: "Senator Day, the President has just read the amendment and, Senator Dore, the President does feel that it changes the scope and object of the bill."

The amendment by Senators Dore and Marsh was ruled out of order.

On motion of Senator Day, Engrossed House Bill No. 1508 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Senator Day, in prohibiting discrimination so far as engaging in an insurance transaction, would that also include the marital status so that an insurance company could not arbitrarily and solely on the basis of marital status either deny or change the rate of insurance to an applicant?"

Senator Day: "I do not think marital status is indicated in the bill at all. The only thing this is directed to is sex."

Debate ensued.

POINT OF INQUIRY

Senator Dore: "Would Senator Clarke yield to a question? Senator Clarke, you raised the point of order on a clarifying amendment I had proposed and you in your remarks addressed to Senator Francis talked only about life insurance. But just for the record and the Journal, now let me ask you this in reference to automobile casualty rates. Would this bill if passed permit a different rate to be charged a woman than a man driving a car just because she is a woman, even though they are equally good drivers?"

Senator Clarke: "I do not believe it would. I think that they would have to establish some difference other than the mere fact of sex. In other words if, as you put the point, they are equally good drivers, then I think they must be treated equally insofar as rating is concerned."

Senator Dore: "Senator, isn't it a fact that the classification just comes back that people are girls, in other words, you give a lower rate for girls, as I understand, than boys. Isn't that correct? And isn't this illegal under the equal rights amendment and this would of course make this legal under this bill?"

Senator Clarke: "Let me first state that I do not hold myself out as an expert on automobile rating. I do not know the truth of what you state. I would say, however, in answer to your question, that unless it can be shown that for some other reason other than the distinction of sex, the loss expectancy is different, then I would say that it should not be proper to make a rating differential based solely upon sex. I do not think that this bill in any way changes this because I think that in substance all that it does is to permit the recognition of physical differences."

Further debate ensued.

POINT OF INQUIRY

Senator Dore: "Would Senator Day yield to a question? For the Journal I would like to put in the record that as chairman of the committee it is your intent not to permit discrimination in rates as between the sexes just because they happen to be a man or a woman. Is that right?"

Senator Day: "No, that would revert the intent of the language, Senator. What this intent is that if the discrimination is based on statistical differences which are bona fide, then of course those statistical differences can be considered."

Senator Dore: "Just one question. Let us get down to specifics. How about between young boys and young girls that are covered. Under your bill, as I understand it, this will not permit a different rate structure for young boys and young girls just because of the sexes. They must actually make a finding they are not as good a driver. Is that correct?"

Senator Day: "They would have to be based on bona fide statistical differences for the risk or exposure they were covering. Now you must understand I am certain, Senator Dore, that insurance companies are money brokers, that when you buy coverage they have to

protect that coverage by having actuarially sound reserves to so do, and if those require different rates then sex could not stop the drawing of those different rates.”

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1508, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Durkan, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. “Bob”), Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Van Hollebeke, Walgren, Wanamaker, Whetzel, Woodall, Woody—31.

Voting nay: Senators Bottiger, Dore, Fleming, Francis, Grant, Greive, Mardesich, Marsh, Metcalf, Rasmussen, Ridder, Stortini, Talley, von Reichbauer, Washington—15.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senator Twigg—1.

ENGROSSED HOUSE BILL NO. 1508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Woodall, Engrossed House Bill No. 1508 was ordered immediately transmitted to the House.

SECOND READING

HOUSE BILL NO. 1294, by Representatives Bauer and Hoggins (by Superintendent of Public Instruction request):

Enumerating additional impediments to local registration of teachers' certificates and additional grounds for revocation thereof.

The Senate resumed consideration of House Bill No. 1294 and consideration of the amendment proposed by Senator von Reichbauer to page 1, line 16 on February 5, 1974. There being no objection, the amendment was withdrawn.

On motion of Senator von Reichbauer, House Bill No. 1294 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1294 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Day, Rasmussen—2.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3141, by Senator Matson:

Revising the unemployment compensation laws with respect to quitting work.

MOTION

On motion of Senator Mardesich, Senate Bill No. 3141 was referred to the Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 3042, by Senators Grant, Connor, Dore, Mardesich and Ridder: Enacting a state labor-management relations act.

MOTION

On motion of Senator Mardesich, Senate Bill No. 3042 was referred to the Committee on Ways and Means.

SECOND READING

ENGROSSED HOUSE BILL NO. 1208, by Representatives Smith, Polk, Thompson and Paris:

Providing for electrical contractor qualifying certificates.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 1208 was referred to the Committee on Commerce.

THIRD READING

ENGROSSED HOUSE BILL NO. 1303, by Representatives Gaspard, Pardini and Ceccarelli:

Providing for changes in the state securities law.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1303.

Debate ensued.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 1974

SENATE BILL NO. 2688, changing certain tax laws relating to commercial fishing vessels (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Grant, Marsh, Newschwander, Peterson (Ted), Rasmussen, Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

February 6, 1974.

SENATE BILL NO. 2701, relating to a migrant worker labor camp demonstration project (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2701 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Fleming, Grant, Newschwander, Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 6, 1974

SENATE BILL NO. 2705, relating to food fish and shellfish (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2705 be substituted therefor and the substitute bill do pass as recommended by the Committee on Natural Resources.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Grant, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 6, 1974.

SENATE BILL NO. 3194, providing for increases in police and firemen's pensions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Local Government and Committee on Ways and Means.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Grant, Lewis (Harry), Peterson (Ted), Rasmussen, Scott, Woody.

Passed to Committee on Rules for second reading.

February 6, 1974.

SENATE BILL NO. 3378, making certain appropriations and reappropriations (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3378 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Marsh, Newschwander, Peterson (Ted), Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 6, 1974.

SENATE CONCURRENT RESOLUTION NO. 151, authorizing a study of retirement systems (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 102, authorizing alternative procedures for payment of condemnation awards subject to benefits setoff (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 457, providing for payment for costs of relocating public sewer and water facilities located within the right of way of certain highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Keefe, Knoblauch, Lewis (R. H. "Bob"), Peterson (Lowell), Talley, Whetzel.

Passed to Committee on Rules for second reading.

February 6, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, authorizing card rooms, pinball machines, punch cards, and pull tabs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Vice Chairman; Atwood, Bottiger, Clarke, Marsh, Van Hollebeke, Woodall.

Passed to Committee on Rules for second reading.

February 6, 1974.

ENGROSSED HOUSE BILL NO. 1044, defining "original producer" of nursery stock for taxation purposes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1423, amending the laws relating to tax on ATV fuel (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Guess, Jolly, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

February 6, 1974.

HOUSE BILL NO. 1516, expediting certification of thermal power plant sites and lines (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Guess, Murray, Whetzel.

Passed to Committee on Rules for second reading.

MOTION

At 12:40 p.m., on motion of Senator Mardesich, the Senate recessed until 2:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

There being no objections, the Senate was declared to be at ease.

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

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1525, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Knowles, Freeman, Kelley, Parker, Wojahn and Matthews):

Relating to civil commitment.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 1525 as amended earlier today and an amendment to pages 18 and 19 moved for adoption by Senator Day.

On motion of Senator Atwood, the following amendment by Senator Atwood to the amendment by Senator Day was adopted:

After "only" insert "AND PROVIDED FURTHER, That the privilege shall not extend to incident reports involving the detained person".

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

On motion of Senator Day, Engrossed Substitute House Bill No. 1525, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1525, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 5; excused, 11.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—41.

Voting nay: Senator Francis—1.

Absent or not voting: Senators Durkan, Fleming, Lewis (Harry), Stortini, Whetzel—5.

Excused: Senator Twigg—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1525, as amended by the Senate, having received the constitutional 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 Atwood, Engrossed Substitute House Bill No. 1525, as amended by the Senate, was ordered immediately transmitted to the House.

THIRD READING

ENGROSSED HOUSE BILL NO. 1303, by Representatives Gaspard, Pardini and Ceccarelli:

Providing for changes in the state securities law.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1303.

POINT OF INQUIRY

Senator Atwood: "Would Senator Dore yield? It was my understanding that this also picked up these condominiums that are sold and advertised as investment contracts would be within the meaning of the securities act. Is that true?"

Senator Dore: "Senator, I believe so, just in general reading of the bill. I think the answer is yes."

Senator Atwood: "Okay."

Senator Dore: "But I would not want to have you base a legal opinion on it."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1303, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—44.

Absent or not voting: Senators Durkan, Lewis (Harry), Woody—3.

Excused: Senator Twigg—1.

ENGROSSED HOUSE BILL NO. 1303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1463, by Representatives Perry, Charnley, Kraabel, Berentson and Hayner (by Superintendent of Public Instruction request):

Authorizing school districts to enter into contracts with other governmental entities to provide for transportation of both students and the public through use of school transportation facilities.

The Senate resumed consideration of Engrossed House Bill No. 1463, as amended on February 5, 1974 and on that day Senator Odegaard raised the point of scope and object on the committee amendment to page 1 adding new section 2.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Odegaard, the President finds that Engrossed House Bill 1463 is a measure which authorizes school districts to contract for transportation of students and the public using school district busses, equipment and employees. The amendment proposed by the Committee on Education, however, pertains to contractual agreements between the county and the district for legal services of the prosecuting attorney. The amendment does therefore enlarge the scope and object of the bill and notwithstanding that the title is broad, as pointed out by Senator Newschwander, the point is well taken."

The committee amendment to page 1 adding a new section 2 was ruled out of order.

On motion of Senator von Reichbauer, Engrossed House Bill No. 1463, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1463, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—41.

Voting nay: Senators Guess, Newschwander—2.

Absent or not voting: Senators Durkan, Lewis (Harry), Metcalf, Wanamaker—4.

Excused: Senator Twigg—1.

ENGROSSED HOUSE BILL NO. 1463, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand on the title of the act.

SECOND READING

HOUSE BILL NO. 1354, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to businesses and professions — code correction.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1354, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Durkan, Metcalf, Murray, Peterson (Lowell)—4.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1354, having received the constitutional majority, 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. 1355, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to pensions of volunteer firemen — code correction.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1355 and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—40.

Absent or not voting: Senators Durkan, Francis, Grant, Metcalf, Newschwander, Scott, Stortini—7.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1355, having received the constitutional majority, 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. 1356, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to department of labor and industries — code correction.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1356 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1356, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray,

Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Durkan, Metcalf, Scott—3.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1356, having received the constitutional majority, 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. 1357, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to state highway commission — code correction.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1357 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1357, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Durkan, Metcalf, Sellar—3.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1357, having received the constitutional majority, 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. 1358, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to motor vehicle fuel taxes — code correction.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1358 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1358, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Durkan, Metcalf—2.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1358, having received the constitutional majority, 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. 1360, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to industrial insurance – code correction.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1360 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1360, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Durkan, Metcalf—2.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1360, having received the constitutional majority, 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. 1361, by Representatives Charette and Knowles (by Code Reviser request):

Pertaining to water districts – code correction.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1361 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1361, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Dore, Durkan, Metcalf, Murray, Ridder—5.

Excused: Senator Twigg—1.

HOUSE BILL NO. 1361, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1084, by Representative Moon:

Setting the maximum rate of interest permitted on time deposits of public funds.

MOTION

On motion of Senator Mardesich, House Bill No. 1084 was ordered to hold its place on the second reading calendar for Thursday, February 7, 1974.

SECOND READING

ENGROSSED HOUSE BILL NO. 916, by Representatives McCormick, Bagnariol and May:

Relating to outdoor advertising.

The bill was read the second time by sections.

On motion of Senator Walgren, Engrossed House Bill No. 916 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 916, and the bill passed the Senate by the following vote: Yeas, 33; nays, 7; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Donohue, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woodall, Woody-33.

Voting nay: Senators Clarke, Jones, Murray, Newschwander, Scott, Washington, Whetzel-7.

Absent or not voting: Senators Connor, Day, Dore, Durkan, Fleming, Lewis (Harry), Metcalf-7.

Excused: Senator Twigg-1.

ENGROSSED HOUSE BILL NO. 916, having received the constitutional majority, 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. 748, by Judiciary Committee (originally sponsored by Representatives Smith, Kelley and Laughlin):

Making certain changes in the laws relating to probate.

REPORT OF STANDING COMMITTEE

February 5, 1974.

SUBSTITUTE HOUSE BILL NO. 748, making certain changes in the laws relating to probate, (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"PART I. GENERAL PROVISIONS

NEW SECTION. Section 1. On and after March 1, 1975:

(1) The provisions of this 1974 amendatory act shall apply to any wills of decedents dying thereafter;

(2) The provisions of this 1974 amendatory act shall apply to any proceedings in court then pending or thereafter commenced regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this 1974 amendatory act;

(3) Every personal representative including a person administering an estate of a minor

or incompetent holding an appointment on March 1, 1975, continues to hold the appointment, has the powers conferred by this 1974 amendatory act and is subject to the duties imposed with respect to any act occurring or done thereafter;

(4) An act done before March 1, 1975 in any proceeding and any accrued right is not impaired by this 1974 amendatory act. If a right is acquired, extinguished, or barred upon the expiration of a prescribed period of time which has commenced to run by the provisions of any statute before March 1, 1975, the provisions shall remain in force with respect to that right;

(5) Any rule of construction or presumption provided in this 1974 amendatory act applies to instruments executed before March 1, 1975 unless there is a clear indication of a contrary intent.

NEW SECTION. Sec. 2. (1) Sections 4 and 5 of this 1974 amendatory act shall constitute a new chapter in Title 11 RCW.

(2) Sections 52 and 53 of this 1974 amendatory act shall constitute a new chapter in Title 11 RCW.

(3) Part headings employed in this 1974 amendatory act do not constitute any part of the law and shall not be codified by the code reviser and shall not become a part of the Revised Code of Washington.

NEW SECTION. Sec. 3. If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

PART II. PROVISIONS RELATING TO DISTRIBUTION OF PROPERTY

NEW SECTION. Sec. 4. (1) At any time after forty days from the date of the decedent's death, any person indebted to the decedent or having possession of tangible personal property or any instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent, which property is subject to probate, shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon receipt of an affidavit made by the successor stating:

(a) The successor's name and address;

(b) That the decedent was a resident of the state of Washington on the date of his death;

(c) That the value of the total estate of the decedent subject to probate, wherever located, less liens and encumbrances, does not exceed ten thousand dollars;

(d) That forty days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) That the claiming successor has mailed notice identifying his claim to all other successors of the decedent and at least ten days have elapsed since said mailing, and the claiming successor is personally, or with the written authority of all other successors of the decedent, entitled to full payment or delivery of the property; and

(h) That the claiming successor has mailed to the inheritance tax division of the state department of revenue a notification of his claim in such form as the department of revenue may prescribe, and that at least ten days have elapsed since said mailing; and

(2) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (1) of this section;

(3) Upon receipt of notification from the inheritance tax division of the state department of revenue that an inheritance tax report is requested, the holder of any property subject to claim by a successor hereunder shall withhold payment, delivery, transfer or issuance of such property until provided with an inheritance tax release.

(4) The terms "successor" and "successors" as used in this section and in section 5 of this 1974 amendatory act shall mean that person or those persons, other than creditors, who

are entitled to the property of the decedent under his will or the laws of intestate succession as contained in this title.

NEW SECTION. Sec. 5. The person paying, delivering, or transferring personal property or the evidence thereof pursuant to section 4 of this 1974 amendatory act is discharged and released to the same extent as if he dealt with a personal representative of the decedent. He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit or to the payment of any inheritance tax liability. If any person to whom an affidavit is delivered refuses to pay, deliver, or transfer any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto.

If more than one affidavit is delivered with reference to the same personal property, the person to whom delivered may pay, deliver, transfer, or issue any personal property or evidence thereof in response to the first affidavit received, or alternately implead the money or other personal property into court for payment over to the person entitled thereto. Any person to whom payment, delivery, transfer, or issuance is made is answerable and accountable therefor to any personal representative of the estate or to any other person having a superior right.

Sec. 6. Section 11.04.015, chapter 145, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1967 and RCW 11.04.015 are each amended to read as follows:

The net estate of a person dying intestate, or that portion thereof with respect to which the person shall have died intestate, shall descend subject to the provisions of RCW 11.04.250 and RCW 11.02.070, and shall be distributed as follows:

(1) Share of surviving spouse. The surviving spouse shall receive the following share:

(a) All of the decedent's share of the net community estate [unless there be surviving issue or parents, in which event, the surviving spouse shall take one-half of the decedent's share of the net community estate]; and

(b) One-half of the net separate estate if the intestate is survived by issue; or

(c) Three-quarters of the net separate estate if there is no surviving issue, but the intestate is survived by one or more of his parents, or by one or more of the issue of one or more of his parents; or

(d) All of the net separate estate, if there is no surviving issue nor parent nor issue of parent.

(2) Shares of others than surviving spouse. The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

(a) To the issue of the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degree shall take by representation.

(b) If the intestate not be survived by issue, then to the parent or parents who survive the intestate.

(c) If the intestate not be survived by issue or by either parent, then to those issue of the parent or parents who survive the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation.

(d) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents who survive the intestate, then to the grandparent or grandparents who survive the intestate; if both maternal and paternal grandparents survive the intestate, the maternal grandparent or grandparents shall take one-half and the paternal grandparent or grandparents shall take one-half.

(e) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents or by any grandparent or grandparents, then to those issue of any grandparent or grandparents who survive the intestate; taken as a group, the issue of the maternal grandparent or grandparents shall share equally with the issue of the paternal grandparent or grandparents, also taken as a group; within each such group, all members share equally if they are all in the same degree of kinship to the intestate, or, if some be of unequal degree, then those of more remote degree shall take by representation.

Sec. 7. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 2, chapter 12, Laws of 1971 ex. sess. and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of [fifteen] *twenty* thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

Sec. 8. Section 11.52.012, chapter 145, Laws of 1965 and RCW 11.52.012 are each amended to read as follows:

Such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: PROVIDED, That no property of the estate shall be awarded or set off, as in RCW 11.52.010 through 11.52.024 provided, to a surviving spouse who has feloniously killed the deceased spouse: PROVIDED FURTHER, That if it shall appear to the court, either (1) that there are [minor or incompetent] children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or minor children are entitled to receive property including insurance by reason of the death of the deceased spouse in the sum of [ten] *twenty* thousand dollars, or more, then the award in lieu of homestead and exemptions shall lie in the discretion of the court, and that whether there shall be an award and the amount thereof shall be determined by the court, who shall enter such decree as shall be just and equitable but not in excess of the award provided herein.

Sec. 9. Section 11.52.020, chapter 145, Laws of 1965 as last amended by section 3, chapter 12, Laws of 1971 ex. sess. and RCW 11.52.020 are each amended to read as follows:

In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed [fifteen] *twenty* thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's, or materialmen's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: PROVIDED, That if there be any incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such incompetent heir who shall appear at the hearing and represent the interest of such incompetent heir.

Sec. 10. Section 11.52.022, chapter 145, Laws of 1965 as amended by section 4, chapter 12, Laws of 1971 ex. sess. and RCW 11.52.022 are each amended to read as follows:

If the value of the homestead, exclusive of all such liens, be less than [fifteen] *twenty*

thousand dollars, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal [fifteen] *twenty* thousand dollars: PROVIDED, That if it shall appear to the court, either (1) *that* there are [incompetent] children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) [if] *that* such surviving spouse [or incompetent children are] *is, or any minor child entitled to an award under RCW 11.52.030 is*, entitled to receive property including insurance by reason of the death of the deceased spouse, *exclusive of property confirmed to the surviving spouse as his or her one-half interest in community property*, in the sum of [fifteen] *twenty* thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than [fifteen] *twenty* thousand dollars in value, shall lie in the discretion of the court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, who shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

Sec. 11. Section 11.76.090, chapter 145, Laws of 1965 as amended by section 2, chapter 28, Laws of 1971 and RCW 11.76.090 are each amended to read as follows:

When a decree of distribution is made by the court in administration upon a decedent's estate and distribution is ordered to a person under the age of eighteen years, of a sum of [five hundred] *one thousand* dollars or less, the court, in such order of distribution, shall order the same paid [to the clerk of the court wherein administration of such estate is pending, and the same shall be paid by the clerk], for the use and as the property of said minor, to the person named in said order of distribution to receive the same, without requiring bond or appointment of any guardian.

Sec. 12. Section 11.76.095, chapter 145, Laws of 1965 as amended by section 3, chapter 28, Laws of 1971 and RCW 11.76.095 are each amended to read as follows:

When a decree of distribution is made by the court in administration upon a decedent's estate of when distribution is made by [an executor] *a personal representative* under a nonintervention will and distribution is ordered under such decree or authorized under such nonintervention will to a person under the age of eighteen years, [and the value of such property or money is five thousand dollars or less and there is no general guardian of the incompetent,] the court [may] *shall* require *either* that

(1) the money be deposited in a bank or trust company or be invested in an account in an insured [savings and loan association] *financial institution* for the benefit of the [incompetent] *minor* subject to withdrawal only upon the order of the court in the original probate proceeding, *or upon said minor's attaining the age of eighteen years and furnishing proof thereof satisfactory to the depository*, or

(2) [in all other cases] a general guardian shall be appointed and qualify and the money or [other] property be paid or delivered to such guardian prior to the discharge of the personal representative in the original probate proceeding.

This section shall not bar distribution under RCW 11.76.090 *as now or hereafter amended*.

PART III. PROVISIONS RELATING TO NONINTERVENTION POWERS

Sec. 13. Section 11.68.010, chapter 145, Laws of 1965 as amended by section 1, chapter 19, Laws of 1969 and RCW 11.68.010 are each amended to read as follows:

[In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that such estate shall be settled without the intervention of any court or courts, and where it duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent, which fact may be established by an order of the court on the filing of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit the will to probate and to file a true inventory of all the property of such estate and give notice

to creditors and to the body having charge of the collection of inheritance tax, in the manner required by law.

After the probate of any such will and the filing of the inventory all such estates may be managed and settled without the intervention of the court, if the last will and testament so provides. However, when the estate is ready to be closed, the court, upon application, shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid, finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons entitled thereto. Such decree shall be made after notice given as provided for like decrees in the estates of persons dying intestate. If no application for a final decree is filed, the executor shall, when the administration of the estate has been completed, file a written declaration to that effect, and thereupon his powers shall cease.

The executor of a nonintervention will shall not be deemed to waive his nonintervention powers by obtaining any order appointing appraisers, fixing or allowing appraiser's fees, dispensing with appraisal, or approving or allowing creditors' claims, not by obtaining any other order or decree.] *Subject to the provisions of this chapter, if the estate of a decedent, who died either testate or intestate, is solvent, and if the personal representative is other than a creditor of the estate, such estate shall be managed and settled without the intervention of the court; the fact of solvency shall be established by the entry of an order of solvency. An order of solvency may be entered at the time of the appointment of the personal representative or at any time thereafter where it appears to the court by the petition of the personal representative, or the inventory filed, and/or other proof submitted, that the estate of the decedent is solvent, and that notice of the application for an order of solvency has been given to those persons entitled thereto when required by RCW 11.68.040 as now or hereafter amended.*

Sec. 14. Section 11.68.020, chapter 145, Laws of 1965 and RCW 11.68.020 are each amended to read as follows:

[In all cases, if the party named in such will as executor declines to execute the trust or dies or is otherwise disabled for any cause from acting as such executor, letters testamentary or of administration shall issue and the estate be settled as in other cases.] *Unless court supervision of an estate shall be specifically required under the terms and provisions of a will, a decedent shall be deemed to have intended any and all personal representatives named in his will to have the power to administer his estate without the intervention of court, and any personal representative or personal representatives named in the decedent's will shall acquire nonintervention powers without prior notice, upon meeting the requirements of RCW 11.68.010 as now or hereafter amended.*

Sec. 15, Section 11.68.030, chapter 145, Laws of 1965 and RCW 11.68.030 are each amended to read as follows:

[If the person named in the will fails to execute the trust faithfully and to take care and promote the interest of all parties, then, upon petition of a creditor of the estate, or of any of the heirs, or of any person on behalf of any minor heir, the court shall cite such person to appear before it, and if, upon hearing of the petition it appears that the trust in such will is not faithfully discharged, and that the parties interested, or any of them, have been or are about to be damaged by the doings of the executor, then, in the discretion of the court, administration may be had and required as is required in the administration of estates, and in all such cases the costs of the citation and hearing shall be charged against the party failing and neglecting to execute the trust as required in the will.] *Subject to giving prior notice when required under RCW 11.68.040 as now or hereafter amended and the entry of an order of solvency, the personal representative, other than a creditor, of an estate of a decedent who died intestate or the personal representative, other than a creditor, with the will annexed of the estate of a decedent who died testate shall have the power to administer the estate without further intervention of court after the entry of an order of solvency and furnishing bond when required.*

Sec. 16. Section 11.68.040, chapter 145, Laws of 1965 and RCW 11.68.040 are each amended to read as follows:

[Executors acting under nonintervention wills may, if the estate has been adjudged solvent; mortgage, lease, sell, exchange, and convey the real and personal property of the

testator, and borrow money on the general credit of the estate, without an order of the court for that purpose and without notice, approval, or confirmation, and in all other respects administer and settle the estate without the intervention of the court. The other party to any such transaction and his successors in interest shall be entitled to have it conclusively presumed that such transaction is necessary for the administration of the estate.]

If the decedent shall have died intestate, or the petitioning personal representative is not named in the will as such, and in either case the petitioner wishes to acquire nonintervention powers, the personal representative shall, after filing the petition for order of solvency, give notice of his intention to apply to the court for nonintervention powers to all heirs, devisees, legatees of the decedent, and all parties who have requested notice under RCW 11.28.240, who have not, in writing, either waived notice of the hearing or consented to the entry of an order of solvency; said notice shall be given at least ten days prior to the date fixed by the personal representative for the hearing on his petition for an order of solvency: PROVIDED, That no prior notice of said hearing shall be required when the personal representative is:

(1) *The surviving spouse of the decedent and the decedent left no issue of a prior marriage; or*

(2) *A bank or trust company authorized to do trust business in the state of Washington.*

The notice required by this section shall be sent by regular mail and proof of mailing of said notice shall be by affidavit filed in the cause. Said notice shall contain the name of the decedent's estate, the probate cause number, the name and address of the personal representative, and shall state in substance as follows:

(a) *The personal representative has petitioned the superior court of county, state of Washington, for the entry of an order of solvency and a hearing on said petition will be held on the day of, 19 , at o'clock, . . . M.;*

(b) *The petition for order of solvency has been filed with said court;*

(c) *Upon the entry of an order of solvency by the court, the personal representative will be entitled to administer and close the decedent's estate without further court intervention or supervision;*

(d) *Any heir, legatee, or devisee shall have the right to appear at the time of the hearing on the petition for an order of solvency to object to the granting of nonintervention powers to the personal representative.*

If no notice is required, or all heirs, legatees, and devisees have either waived notice of said hearing or consented to the entry of an order of solvency as provided in this section, the court may hear the petition for an order of solvency at any time.

NEW SECTION. Sec. 17. There is added to chapter 11.68 RCW a new section to read as follows:

If at the time set for the hearing upon the petition for the entry of an order of solvency, any party entitled to notice under the provisions of RCW 11.68.040 as now or hereafter amended, shall appear and object to the granting of nonintervention powers to the personal representative of the estate, the court shall consider said objections, if any, and the entry of an order of solvency shall be discretionary with the court upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended. The court may restrict the powers of the personal representative in such manner as the court determines and shall thereupon restrict the powers as ordered. If no heir, legatee, or devisee of the decedent shall appear at the time of the hearing to object to the entry of an order of solvency, the court shall enter an order of solvency upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 11.68 RCW a new section to read as follows:

If, after the entry of an order of solvency, any personal representative of the estate of the decedent shall die, resign, or otherwise become disabled from any cause from acting as the nonintervention personal representative, the successor personal representative, other than a creditor, shall administer the estate of the decedent without the intervention of court

after notice and hearing as required by sections 16 and 17 of this 1974 amendatory act, unless at the time of said hearing objections to the granting of nonintervention powers to such successor personal representative shall be made by an heir, legatee, devisee, or creditor of the decedent, and unless the court, after hearing said objections shall refuse to grant nonintervention powers to such successor personal representative. If no heir, legatee, devisee, or creditor of the decedent shall appear at the time of the hearing to object to the granting of nonintervention powers to such successor personal representative, the court shall enter an order granting nonintervention powers to the successor personal representative.

NEW SECTION. Sec. 19. There is added to chapter 11.68 RCW a new section to read as follows:

If any personal representative who has been granted nonintervention powers fails to execute his trust faithfully or is subject to removal for any reason specified in RCW 11.28.250 as now or hereafter amended, upon petition of any unpaid creditor of the estate who has filed a claim or any heir, devisee, legatee, or of any person on behalf of any incompetent heir, devisee, or legatee, such petition being supported by affidavit which makes a prima facie showing of cause for removal or restriction of powers, the court shall cite such personal representative to appear before it, and if, upon hearing of the petition it appears that said personal representative has not faithfully discharged said trust or is subject to removal for any reason specified in RCW 11.28.250 as now or hereafter amended, then, in the discretion of the court said personal representative may be removed and a successor appointed with such powers as the court may determine, and in the event the court shall restrict the powers of the personal representative in any manner, it shall endorse the words "Powers restricted" upon the original order of solvency together with the date of said endorsement, and in all such cases the cost of the citation, hearing, and reasonable attorney's fees may be awarded as the court determines.

NEW SECTION. Sec. 20. There is added to chapter 11.68 RCW a new section to read as follows:

After such notice as the court may require, the order of solvency shall be vacated upon the petition of any personal representative, heir, legatee, devisee, or creditor, if supported by proof satisfactory to the court that said estate has become insolvent.

If, after hearing, the court shall vacate the prior order of solvency, the court shall endorse the term "Vacated" or "Powers restricted" upon the original order of solvency together with the date of said endorsement.

NEW SECTION. Sec. 21. There is added to chapter 11.68 RCW a new section to read as follows:

Any personal representative acting under nonintervention powers, may mortgage, encumber, lease, sell, exchange, and convey the real and personal property of the decedent, and borrow money on the general credit of the estate, without an order of court for that purpose and without notice, approval or confirmation, and in all other respects administer and settle the estate of the decedent without intervention of court. Any other party to any such transaction and his successors in interest shall be entitled to have it conclusively presumed that such transaction is necessary for the administration of the decedent's estate.

NEW SECTION. Sec. 22. There is added to chapter 11.68 RCW a new section to read as follows:

(1) When the estate is ready to be closed, the court, upon application by the personal representative who has nonintervention powers, shall have the authority and it shall be its duty, to make and cause to be entered a decree which either:

(a) Finds and adjudges that all approved claims of the decedent have been paid, finds and adjudges the heirs of the decedent or those persons entitled to take under his will and distribute the property of the decedent to the persons entitled thereto; or

(b) Approves the accounting of the personal representative and settles the estate of the decedent in the manner provided for in the administration of those estates in which the personal representative has not acquired nonintervention powers.

(2) Either decree provided for in this section shall be made after notice given as provided for in the settlement of estates by a personal representative who has not acquired nonintervention powers. The petition for either decree provided for in this section shall state the fees paid or proposed to be paid to the personal representative, his attorneys,

accountants, and appraisers, and any heir, devisee, or legatee whose interest in the assets of a decedent's estate would be reduced by the amount of said fee shall receive a copy of said petition with the notice of hearing thereon; at the request of the personal representative or any said heir, devisee, or legatee, the court shall, at the time of the hearing on either petition, determine the reasonableness of said fees. The criteria for and reasonable range of fees reviewed shall be as established by court rules issued by the state supreme court. The court shall take into consideration all criteria forming the basis for the determination of the amount of such fees as contained in the code of professional responsibility; in determining the reasonableness of the fees charged by any personal representative, accountants, and appraisers the court shall take into consideration the criteria forming the basis for the determination of attorney's fees, to the extent applicable, and any other factors which the court determines to be relevant in the determination of the amount of fees to be paid to such personal representative.

NEW SECTION. Sec. 23. There is added to chapter 11.68 RCW a new section to read as follows:

If a personal representative who has acquired nonintervention powers shall not apply to the court for either final decree provided for in section 22 of this 1974 amendatory act, 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 his residence at the time of death, whether or not the decedent died testate or intestate, and if testate, the date of his last will and testament and the date of the order admitting said 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 or 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 said heir;

(5) The amount of fees paid or to be paid to each of the following: (a) Personal representative or representatives, (b) attorney or attorneys, (c) appraiser or appraisers, and (d) accountant or accountants. That the personal representative believes said fees to be reasonable and does not intend to obtain court approval of the amount of said 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 shall petition 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, his attorneys, 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 discharged and his powers cease thirty days after the filing of said declaration of completion of probate, and said declaration of completion of probate shall, at said time, be the equivalent of the entry of a decree of distribution in accordance with the provisions of 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 his attorney shall mail a copy of said 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 as follows:

CAPTION OF CASE

NOTICE OF FILING OF
DECLARATION OF COMPLETION
OF PROBATE

NOTICE IS HEREBY GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court of the . . . day of . . . , 19 . . . ; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of said fees, or for an accounting, or both, and serve a copy thereof upon

the personal representative or his attorney, within thirty days after the date of said filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, 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 with the period specified, the undersigned will request the court to fix a time and place for the hearing of said 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 said petition.

Dated this day of, 19.

.....
Personal Representative

If all heirs, devisees, and legatees of the decedent shall waive, in writing, the notice required by this section, the personal representative shall be discharged and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof.

NEW SECTION. Sec. 24. There is added to chapter 11.68 RCW a new section to read as follows:

A personal representative who has acquired nonintervention powers in accordance with this chapter shall not be deemed to have waived his nonintervention powers by obtaining any order or decree during the course of his administration of the estate.

Sec. 25. Section 11.28.070, chapter 145, Laws of 1965 and RCW 11.28.070 are each amended to read as follows:

Administrators with the will annexed shall have the same authority as the executor named in the will would have had, and their acts shall be as effectual for every purpose: PROVIDED, That they shall not lease, mortgage, pledge, exchange, sell, or convey any real or personal property of the estate except under order of the court and pursuant to procedure under existing laws pertaining to the administration of estates in cases of intestacy, unless the powers expressed in the will are directory and not discretionary, *or said administrator with will annexed shall have obtained nonintervention powers as provided in chapter 11.68 RCW.*

Sec. 26. Section 11.28.280, chapter 145, Laws of 1965 and RCW 11.28.280 are each amended to read as follows:

If the personal representative of an estate dies, resigns, or the letters are revoked before the settlement of the estate, letters of administration of the estate remaining unadministered shall be granted to those to whom administration would have been granted if the original letters had not been obtained, or the person obtaining them had renounced administration, and the administrator de bonis non shall perform like duties and incur like liabilities as the former personal representative, and shall serve as administrator with will annexed de bonis non in the event a will has been admitted to probate. *Said administrator de bonis non may, upon satisfying the requirements and complying with the procedures provided in chapter 11.68 RCW, administer the estate of the decedent without the intervention of court.*

PART IV. PROVISIONS RELATING TO ADJUDICATIONS OF TESTACY OR
INTESTACY AND HEIRSHIP

Sec. 27. Section 11.20.020, chapter 145, Laws of 1965 as amended by section 1, chapter 126, Laws of 1969 ex. sess. and RCW 11.20.020 are each amended to read as follows:

(1) Applications for the probate of a will and for letters testamentary, or either, may be made to the judge of the court having jurisdiction and the court may immediately hear the proofs and either probate or reject such will as the testimony may justify. Upon such hearing the court shall make and cause to be entered a formal order, either establishing and probating such will, or refusing to establish and probate the same, and such order shall be conclusive except in the event of a contest of such will as hereinafter provided. All testimony in support of the will shall be reduced to writing, signed by the witnesses, and certified by the judge of the court. *If the application for probate of a will does not request the appointment of a personal representative and the court enters an adjudication of testacy*

establishing such will no further administration shall be required except as commenced pursuant to section 32 of this 1974 amendatory act.

(2) In addition to the foregoing procedure for the proof of wills, any or all of the attesting witnesses to a will may, at the request of the testator or, after his decease, at the request of the executor or any person interested under it, make an affidavit before any person authorized to administer oaths, stating such facts as they would be required to testify to in court to prove such will, which affidavit may be written on the will or may be attached to the will or to a photographic copy of the will. The sworn statement of any witness so taken shall be accepted by the court as if it had been taken before the court.

Sec. 28. Section 11.28.010, chapter 145, Laws of 1965 and RCW 11.28.010 are each amended to read as follows:

After [probate of any will] *the entry of an order admitting a will to probate and appointing a personal representative, or personal representatives*, letters testamentary shall be granted to the persons therein appointed executors. If a part of the persons thus appointed refuse to act, or be disqualified, the letters shall be granted to the other persons appointed therein. If all such persons refuse to act, letters of administration with the will annexed shall be granted to the person to whom administration would have been granted if there had been no will.

Sec. 29. Section 11.28.110, chapter 145, Laws of 1965 and RCW 11.28.110 are each amended to read as follows:

Application for letters of administration, *or, application for an adjudication of intestacy and heirship without the issuance of letters of administration* shall be made by petition in writing, signed and verified by the applicant or his attorney, and filed with the court, which petition shall set forth the facts essential to giving the court jurisdiction of the case, and state, if known, the names, ages and [residences] *addresses* of the heirs of the deceased and that the deceased died without a will. *If the application for an adjudication of intestacy and heirship does not request the appointment of a personal representative and the court enters an adjudication of intestacy no further administration shall be required except as set forth in section 31 of this 1974 amendatory act.*

Sec. 30. Section 11.28.237, chapter 145, Laws of 1965 as amended by section 2, chapter 70, Laws of 1969 and RCW 11.28.237 are each amended to read as follows:

Within twenty days after appointment, the personal representative of the estate of a decedent shall cause written notice of his said appointment, and of the pendency of said probate proceedings, to be *served personally or* mailed to each heir, legatee and devisee of the estate whose names and addresses are known to him, and proof of such mailing shall be made by affidavit and filed in the cause.

NEW SECTION. Sec. 31. There is added to chapter 11.28 RCW a new section to read as follows:

If no personal representative is appointed to administer the estate of a decedent, the person obtaining the adjudication of testacy, or intestacy and heirship, shall, cause written notice of said adjudication to be mailed to each heir, legatee, and devisee of the decedent, which notice shall contain the name of the decedent's estate and the probate cause number, and shall:

- (1) State the name and address of the applicant;
- (2) State that on the . . . day of, 19. . . . , the applicant obtained an order from the superior court of county, state of Washington, adjudicating that the decedent died intestate, or testate, whichever shall be the case;
- (3) In the event the decedent died testate, enclose a copy of his will therewith, and state that the adjudication of testacy will become final and conclusive for all legal intents and purposes unless any heir, legatee, or devisee of the decedent shall contest said will within four months after the date the said will was adjudicated to be the last will and testament of the decedent;
- (4) In the event that the decedent died intestate, set forth the names and addresses of the heirs of the decedent, their relationship to the decedent, the distributive shares of the estate of the decedent which they are entitled to receive, and that said adjudication of intestacy and heirship shall become final and conclusive for all legal intents and purposes, unless, within four months of the date of said adjudication of intestacy, a petition shall be

filed seeking the admission of a will of the decedent for probate, or contesting the adjudication of heirship.

Notices provided for in this section may be served personally or sent by regular mail, and proof of such service or mailing shall be made by an affidavit filed in the cause.

NEW SECTION. Sec. 32. There is added to chapter 11.28 RCW a new section to read as follows:

Unless, within four months after the entry of the order adjudicating testacy or intestacy and heirship, and the mailing of the notice required in section 31 of this 1974 amendatory act any heir, legatee or devisee of the decedent shall offer a later will for probate or contest an adjudication of testacy in the manner provided in this title for will contests, or offer a will of the decedent for probate following an adjudication of intestacy and heirship, or contesting the determination of heirship, an order adjudicating testacy or intestacy and heirship without appointing a personal representative to administer a decedent's estate shall, as to those persons by whom notice was waived or to whom said notice was mailed, be deemed the equivalent of the entry of a final decree of distribution in accordance with the provisions of chapter 11.76 RCW for the purpose of:

(1) Establishing the decedent's will as his last will and testament and persons entitled to receive his estate thereunder; or

(2) Establishing the fact that the decedent died intestate, and those persons entitled to receive his estate as his heirs at law.

The right of an heir, legatee, or devisee to receive the assets of a decedent shall, to the extent otherwise provided by this title, be subject to the prior rights of the decedent's creditors and of any persons entitled to a homestead award or award in lieu of homestead or family allowance, and nothing contained in this section shall be deemed to alter or diminish such prior rights, or to prohibit any person for good cause shown, from obtaining the appointment of a personal representative to administer the estate of the decedent after the entry of an order adjudicating testacy or intestacy and heirship. However, if the petition for letters testamentary or of administration shall be filed more than four months after the date of the adjudication of testacy or of intestacy and heirship, the issuance of such letters shall not affect the finality of said adjudications.

PART V. PROVISIONS RELATING TO CREDITORS CLAIMS

Sec. 33. Section 11.40.010, chapter 145, Laws of 1965 as amended by section 7, chapter 168, Laws of 1967 and RCW 11.40.010 are each amended to read as follows:

Every personal representative shall, immediately after his appointment, cause to be published in a legal newspaper in the county in which the estate is being administered, a notice that he has been appointed and has qualified as such personal representative, and therewith a notice to the creditors of the deceased, requiring all persons having claims against the deceased to serve the same on the personal representative or his attorney of record, and file *an executed copy thereof* with the clerk of the court, [together with proof of such service,] within four months after the date of the first publication of such notice or *within four months after the date of the filing of the copy of said notice to creditors with the clerk of the court, whichever is the later.* Such notice shall be published once in each week for [three] *two successive weeks and a copy of said notice shall be filed with the clerk of the court.* If a claim be not filed within the time aforesaid, it shall be barred, except under those provisions included in RCW 11.40.011. Proof by affidavit of the publication of such notice shall be filed with the court by the personal representative. In cases where all the property is awarded to the widow, husband, or children as in this title provided, the notice to creditors herein provided by may be omitted.

Sec. 34. Section 11.40.020, chapter 145, Laws of 1965 and RCW 11.40.020 are each amended to read as follows:

Every claim served and filed as above provided shall be supported by the affidavit of the claimant that the amount is justly due, that no payments have been made thereon, and that there are no offsets to the same to the knowledge of the claimant] *shall be signed by the claimant, or his attorney, or any person who is authorized to sign claims on his, her, or its behalf, and shall contain the following information:*

(1) *The name and address of the claimant;*

(2) *The name, business address (if different from that of the claimant), and nature of authority of any person signing the claim on behalf of the claimant;*

(3) *A written statement of the facts or circumstances constituting the basis upon which the claim is submitted;*

(4) *The amount of the claim;*

(5) *If the claim is secured, unliquidated or contingent, or not yet due, the nature of the security, the nature of the uncertainty, and due date of the claim: PROVIDED HOWEVER, That failure to describe correctly the security, nature of any uncertainty, or the due date of a claim not yet due, if such failure is not substantially misleading, does not invalidate the presentation made.*

Claims need not be supported by affidavit.

Sec. 35. Section 11.40.030, chapter 145, Laws of 1965 and RCW 11.40.030 are each amended to read as follows:

[When a claim, accompanied by the affidavit required in RCW 11.40.020 has been served and filed, it shall be the duty of the personal representative to indorse thereon his allowance or rejection, with the day and date thereof. If he allow the claim, it shall be presented to the judge of the court, who shall in the same manner indorse on it his allowance or rejection, or he may by order allow or reject the claim. If the personal representative reject the claim in whole or in part, he shall notify the claimant forthwith of said rejection and file in the office of the clerk an affidavit showing such notification and the date thereof. Such notification shall be by personal service or registered or certified mail and shall state that the holder of the rejected claim must bring suit in the proper court against the personal representative within thirty days after notification of the rejection, otherwise the claim shall be forever barred.

If the personal representative shall neglect for the period of sixty days after service upon him or his attorney to act upon any such claim, the claimant may take the matter up before the court and the court may require the personal representative to act on such claim and in its discretion may impose costs and attorney's fees.] *Unless the personal representative shall, within six months after the date of first publication of notice to creditors, have obtained an order extending the time for his allowance or rejection of claims timely and properly served and filed, all claims presented within the time and in the manner provided in RCW 11.40.010 and 11.40.020 as now or hereafter amended, shall be deemed allowed and may not thereafter be rejected, unless the personal representative shall, within six months after the date of first publication of notice to creditors, or any extended time, notify the claimant of its rejection, in whole or in part; if the personal representative shall reject the claim, in whole or in part, he shall notify the claimant of said rejection and file in the office of the clerk, an affidavit showing such notification and the date thereof. Said notification shall be by personal service or certified mail addressed to the claimant at his address as stated in the claim; if a person other than the claimant shall have signed said claim for or on behalf of the claimant, and said person's business address as stated in said claim is different from that of the claimant, notification of rejection shall also be made by personal service or certified mail upon said person; the date of the postmark shall be the date of notification. The notification of rejection shall advise the claimant, and the person making claim on his, her, or its behalf, if any, that the claimant must bring suit in the proper court against the personal representative within thirty days after notification of rejection or before expiration of the time for serving and filing claims against the estate, whichever period is longer, and that otherwise the claim will be forever barred.*

The personal representative may, either before or after rejection of any claim compromise said claim, whether due or not, absolute or contingent, liquidated or unliquidated, if it appears to the personal representative that such compromise is in the best interests of the estate.

Sec. 36. Section 11.40.040, chapter 145, Laws of 1965 and RCW 11.40.040 are each amended to read as follows:

Every claim which has been allowed by the personal representative [and the said judge,] shall be ranked among the acknowledged debts of the estate to be paid in the course of administration.

Sec. 37. Section 11.40.060, chapter 145, Laws of 1965 and RCW 11.40.060 are each amended to read as follows:

When a claim is rejected by [either] the personal representative [or the court], the holder must bring suit in the proper court against the personal representative within thirty days after notification of the rejection *or before expiration of the time for serving and filing claims against the estate, whichever period is longer*, otherwise the claim shall be forever barred.

Sec. 38. Section 11.40.110, chapter 145, Laws of 1965 and RCW 11.40.110 are each amended to read as follows:

Whenever any claim shall have been filed and presented to a personal representative [and the court], and a part thereof shall be allowed, the amount of such allowance shall be stated in the indorsement. If the creditor shall refuse to accept the amount so allowed in satisfaction of his claim, he shall recover no costs in any action he may bring against the personal representative unless he shall recover a greater amount than that offered to be allowed, exclusive of interest and costs.

PART VI. PROVISIONS RELATING TO BANKS, TRUST COMPANIES, ACCOUNTS

Sec. 39. Section 30.20.020, chapter 33, Laws of 1955 as amended by section 2, chapter 280, Laws of 1961 and RCW 30.20.020 are each amended to read as follows:

On the death of any depositor of any bank or trust company, such bank or trust company may pay to the surviving spouse, the moneys in said bank or trust company on deposit to the credit of said deceased depositor in cases where the amount of deposit does not exceed the sum of one thousand dollars upon receipt of an affidavit from the surviving spouse, to the effect that the depositor died [intestate] and *no executor or administrator has been appointed for the depositor's estate, and the depositor had on deposit in [all banks and trust companies within the state of Washington] said bank or trust company money not exceeding the sum of one thousand dollars*. The payment of such deposit made in good faith to the spouse making the affidavit shall be a full acquittance and release of the bank for the amount of the deposit so paid.

No probate proceeding shall be necessary to establish the right of said surviving spouse to withdraw said deposits upon the filing of said affidavit: PROVIDED, HOWEVER, Whenever an administrator is appointed in an estate where a withdrawal of deposits has been had in compliance with this section, the spouse so withdrawing said deposits shall account for the same to the administrator. *The bank or trust company may also pay out the moneys on deposit to the credit of the deceased upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.*

Sec. 40. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 2, chapter 55, Laws of 1969 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 RCW 32.12.030. 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.

(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 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 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 depositor.

(6) If any person dies leaving in any such bank an account on which the balance due him does not exceed one thousand dollars and no executor or administrator of his estate has been appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director, or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment. *On the death of any depositor of any savings bank, the bank may also pay out the moneys on deposit to the credit of the deceased upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.*

Sec. 41. Section 46, chapter 235, Laws of 1945 as amended by section 6, chapter 246, Laws of 1963 and RCW 33.20.080 are each amended to read as follows:

If any person shall die having any savings account in an association amounting to not more than one thousand dollars, and the association has no knowledge that an executor or administrator has been appointed, such association may pay such account to the surviving spouse, next of kin, funeral director or other creditor who may appear entitled thereto. For any such payment, the association may require such proofs, waivers, indemnity and receipt and acquittance as it may deem proper. For any payment made hereunder, the association shall not be liable to the decedent's executor or administrator. *On the death of any person having any savings account in an association, the association may also pay out the moneys on deposit to the credit of the deceased upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.*

Sec. 42. Section 2, chapter 139, Laws of 1939 as amended by section 1, chapter 210, Laws of 1967 and RCW 49.48.120 are each amended to read as follows:

If at the time of the death of any person, his employer is indebted to him for work, labor, and services performed, and no executor or administrator of his estate has been appointed, such employer shall upon the request of the surviving spouse forthwith pay said indebtedness, in such an amount as may be due not exceeding the sum of one thousand dollars, to the said surviving spouse or if the decedent leaves no surviving spouse, then to the child or children, or if no children, then to the father or mother of said decedent: PROVIDED, HOWEVER, That if by virtue of a community property agreement between the decedent and the surviving spouse, which meets the requirements of RCW 26.16.120, the right to such indebtedness became the sole property of the surviving spouse upon the death of the decedent, the employer shall pay to the surviving spouse the total of such indebtedness or that portion which is governed by the community property agreement upon

presentation of said agreement accompanied by affidavit of the surviving spouse stating that such agreement was executed in good faith between the parties thereto and had not been rescinded by the parties prior to the death of the decedent: PROVIDED FURTHER, That in all cases the employer shall require proof of claimant's relationship to decedent by affidavit, and shall require claimant to acknowledge receipt of such payment in writing. Any payments made by an employer pursuant to the provisions of RCW 49.48.115 and 49.48.120 shall operate as a full and complete discharge of the employer's indebtedness to the extent of said payment, and no employer shall thereafter be liable therefor to the decedent's estate, or the decedent's executor or administrator thereafter appointed. *The employer may also pay the indebtedness upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.*

Sec. 43. Section 30.04.260, chapter 33, Laws of 1955 and RCW 30.04.260 are each amended to read as follows:

No trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, shall be permitted to act as executor, administrator, or guardian; and any trust company or other corporation whose officers or agents shall solicit legal business [or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian] shall be ineligible for a period of one year thereafter to be appointed executor, administrator or guardian in any of the courts of this state.

Any trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, and any officer, agent, or employee of any trust company or corporation who shall solicit legal business [or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian] shall be guilty of a gross misdemeanor.

PART VII. MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 44. There is added to chapter 11.28 RCW a new section to read as follows:

When a petition for general letters of administration or for letters of administration with the will annexed shall be filed, the matter may be heard forthwith, appointment made and letters of administration issued: PROVIDED, That if there be a surviving spouse and a petition is presented by anyone other than the surviving spouse, or any person designated by the surviving spouse to serve as personal representative on his or her behalf, notice to the surviving spouse shall be given of the time and place of such hearing at least ten days before the hearing, unless the surviving spouse shall waive notice of the hearing in writing filed in the cause.

Sec. 45. Section 11.76.080, chapter 145, Laws of 1965 as last amended by section 1, chapter 28, Laws of 1971 and RCW 11.76.080 are each amended to read as follows:

If there be any incompetent as defined in RCW 11.88.010 interested in the estate who has no legally appointed guardian, the court:

(1) At any stage of the proceeding in its discretion and for such purpose or purposes as it shall indicate, may, and

(2) For hearings held pursuant to RCW 11.52.010, 11.52.020, 11.68.040 and 11.76.050 as now or hereafter amended, or for entry of an order adjudicating testacy or intestacy and heirship when no personal representative is appointed to administer the estate of the decedent, shall [-] appoint some disinterested person as guardian ad litem to represent such incompetent with reference to any petition, proceeding [or], report, or adjudication of testacy or intestacy without the appointment of a personal representative to administer the estate of decedent in which the incompetent may have an interest, who, on behalf of the incompetent, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his services: PROVIDED, HOWEVER, That where a surviving spouse is the sole beneficiary under the terms of a will, the court may grant a motion by the personal representative to waive the appointment of a guardian ad litem for a person who is the minor child of such surviving spouse and the decedent and who is incompetent solely for the reason of his being under eighteen years of age.

NEW SECTION. Sec. 46. There is added to chapter 11.28 RCW a new section to read as follows:

When the terms of the decedent's will manifest an intent that the personal representative appointed to administer the estate shall not be required to furnish bond or other security, or when the personal representative is the surviving spouse of the decedent and it appears to the court that the entire estate, after provision for expenses and claims of creditors, will be distributable to such spouse and any minor children born to or adopted by decedent and living with said surviving spouse, then such personal representative shall not be required to give bond or other security as a condition of appointment. In all cases where a bank or trust company authorized to act as personal representative is appointed as personal representative, no bond shall be required. In all other cases, unless waived by the court, the personal representative shall give such bond or other security, in such amount and with such surety or sureties, as the court may direct.

Every person required to furnish bond must, before receiving letters testamentary or of administration, execute a bond to the state of Washington conditioned that the personal representative shall faithfully execute the duty of the trust according to law.

The court may at any time after appointment of the personal representative require said personal representative to give a bond or additional bond, the same to be conditioned and to be approved as provided in this section; or the court may allow a reduction of the bond upon a proper showing.

In lieu of bond, the court may in its discretion, substitute other security or financial arrangements, such as provided under RCW 11.88.105, or as the court may deem adequate to protect the assets of the estate.

Sec. 47. Section 11.40.100, chapter 145, Laws of 1965 and RCW 11.40.100 are each amended to read as follows:

If any action be pending against the testator or intestate at the time of his death, the plaintiff shall within [ninety days] *four months* after first publication of notice to creditors, or the filing of a copy of such notice, whichever is later, serve on the personal representative a motion to have such personal representative, as such, substituted as defendant in such action, and, upon the hearing of such motion, such personal representative shall be so substituted, unless, at or prior to such hearing, the claim of plaintiff, together with costs, be allowed by the personal representative and court. After the substitution of such personal representative, the court shall proceed to hear and determine the action as in other civil cases.

Sec. 48. Section 11.44.025, chapter 145, Laws of 1965 and RCW 11.44.025 are each amended to read as follows:

Whenever any property of the estate not mentioned in the inventory comes to the knowledge of a personal representative, he shall cause the same to be inventoried and appraised and shall make and return upon oath into the court a true inventory of said property within thirty days after the discovery thereof, unless a longer time shall be granted by the court.

NEW SECTION. Sec. 49. There is added to chapter 11.44 RCW a new section to read as follows:

Within the time required to file an inventory as provided in RCW 11.44.015, the personal representative shall determine the fair net value, as of the date of the decedent's death, of each item contained in the inventory after deducting the encumbrances, liens, and other secured charges thereon. The personal representative may employ a qualified and disinterested person to assist him in ascertaining the fair market value as of the date of the decedent's death of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The appraisement may, but need not be, filed in the probate cause: PROVIDED HOWEVER, That upon receipt of a written request for a copy of said inventory and appraisement from any heir, legatee, devisee or unpaid creditor who has filed a claim, or from the inheritance tax division of the department of revenue, the personal representative shall furnish to said person, a true and correct copy thereof.

Sec. 50. Section 11.44.070, chapter 145, Laws of 1965 as amended by section 10, chapter 168, Laws of 1967 and RCW 11.44.070 are each amended to read as follows:

[The appraiser shall receive as compensation for his service an amount as to the court shall seem just and reasonable, but not less than ten dollars nor more than one-tenth of one percent of the gross value of the assets of the estate actually appraised by him.] *The amount of the fee to be paid to any persons assisting the personal representative in any appraisal shall be determined by the personal representative: PROVIDED HOWEVER, That the reasonableness of any such compensation shall, at the time of hearing on any final account as provided in chapter 11.76 RCW or on a request or petition under sections 22 or 23 of this 1974 amendatory act, be reviewed by the court in accordance with the provisions of section 22 of this 1974 amendatory act, and if the court determines the compensation to be unreasonable, a personal representative may be ordered to make appropriate refund.*

Sec. 51. Section 11.12.120, chapter 145, Laws of 1965 and RCW 11.12.120 are each amended to read as follows:

Whenever any person having died leaving a will which has been admitted to probate or established by an adjudication of testacy, shall by said will have given, devised or bequeathed unto any person, a legacy or a devise upon the condition that said person survive him, and not otherwise, such legacy or devise shall lapse and fall into the residue of said estate to be distributed according to the residuary clause, if there be one, of said will, and if there be none then according to the laws of descent, unless said legatee or devisee, as the case may be, or his heirs, personal representative, or someone in behalf of such legatee or devisee, shall appear before the court which is administering said estate within [six] three years from and after the date the said will was admitted to probate or established by an adjudication of testacy, and prove to the satisfaction of the court that the said legatee or devisee, as the case may be, did in fact survive the testator.

NEW SECTION. Sec. 52. Whenever a principal designates another his 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 his disability, the authority of the attorney in fact or agent is exercisable by him as provided in the power on behalf of the principal 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 his guardian or heirs, devisees and personal representative as if the principal were alive, competent and not disabled. 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 he were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

NEW SECTION. Sec. 53. (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 section 43 of this 1974 amendatory act, 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 his heirs, devisees, and personal representatives.

(2) An affidavit, executed by the attorney in fact or agent stating that he 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 nontermination 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.

NEW SECTION. Sec. 54. (1) Any of the following provisions in an insurance policy,

contract of employment, bond, mortgage, promissory note, deposit agreement, pension plan, joint tenancy, community property agreement, trust agreement, conveyance, or any other written instrument effective as a contract, gift, conveyance, or trust is deemed to be nontestamentary, and this title does not invalidate the instrument or any provision:

(a) that money or other benefits theretofore due to, controlled or owned by a decedent shall be paid after his death to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently;

(b) that any money due or to become due under the instrument shall cease to be payable in event of the death of the promisee or the promisor before payment or demand; or

(c) that any property which is the subject of the instrument shall pass to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently.

(2) Nothing in this section limits the rights of creditors under other laws of this state.

(3) Any provision in a lease of a safety deposit repository to the effect that two or more persons shall have access to the repository, or that purports to create a joint tenancy in the repository or in the contents of the repository, or that purports to vest ownership of the contents of the repository in the surviving lessee, is ineffective to create joint ownership of the contents of the repository or to transfer ownership at death of one of the lessees to the survivor. Ownership of the contents of the repository and devolution of title to those contents is determined according to rules of law without regard to the lease provisions.

NEW SECTION. Sec. 55. The following acts or parts of acts are each hereby repealed:

(1) Section 11.28.130, chapter 145, Laws of 1965 and RCW 11.28.130;

(2) Section 11.28.180, chapter 145, Laws of 1965 and RCW 11.28.180;

(3) Section 11.28.200, chapter 145, Laws of 1965 and RCW 11.28.200;

(4) Section 11.40.050, chapter 145, Laws of 1965 and RCW 11.40.050;

(5) Section 11.44.055, chapter 145, Laws of 1965 and RCW 11.44.055;

(6) Section 11.44.065, chapter 145, Laws of 1965 and RCW 11.44.065; and

(7) Section 11.44.080, chapter 145, Laws of 1965, section 11, chapter 168, Laws of 1967 and RCW 11.44.080.

NEW SECTION. Sec. 56. This 1974 amendatory act shall take effect March 1, 1975."

On page 3 of the substitute bill, line 6 of the title, after "11.44.080;" strike all material down to and including "emergency" on line 7 and insert "and prescribing an effective date".

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, Substitute House Bill No. 748, 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: "Would Senator Francis yield to a question? Senator Francis, this model probate law in no way interferes with the people's right to use community property agreements?"

Senator Francis: "That is correct, Senator Rasmussen, in no way does it interfere with Washington's unique community property law and with the community property survivorship agreements that we have provided for by statute."

Senator Rasmussen: "And the joint tenancy agreement with right of survivorship?"

Senator Francis: "That is correct, it does not interfere with that."

Senator Rasmussen: "Thank you, Senator Francis. I agree with Senator Peterson, this is a good bill. Many people cannot use community property agreements and do not want to use joint tenancies and this will expedite the probate and thank you very much for bringing it out of committee, Senator."

MOTIONS

On motion of Senator Bailey, Substitute House Bill No. 748, as amended by the Senate, was ordered held on third reading following consideration of Engrossed House Bill No. 1173.

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

REPORTS OF STANDING COMMITTEES

February 6, 1974.

SENATE BILL NO. 2541, reducing acreage required to qualify for taxation under timber tax law (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2541 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Lewis (Harry), Marsh, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Scott, Woody.

Passed to Committee on Rules for second reading.

February 6, 1974.

SUBSTITUTE HOUSE BILL NO. 541, providing for injunctions affecting construction contracts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Vice Chairman; Atwood, Bottiger, Clarke, Greive, Van Hollebeke, Woodall.

Passed to Committee on Rules for second reading.

February 6, 1974.

HOUSE BILL NO. 958, authorizing use of forty foot school buses under specific limitations (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Bottiger, Jolly, Keefe, Knoblauch, Peterson (Lowell), Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

February 5, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093, providing fees for professional licenses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Clarke, Connor, Herr, Murray, Ridder, Woodall.

Passed to Committee on Rules for second reading.

February 6, 1974.

HOUSE BILL NO. 1180, relating to purchases of election materials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Canfield; von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

February 5, 1974.

HOUSE BILL NO. 1238, providing for permits for logging trucks (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bottiger, Keefe, Knoblauch, Peterson (Lowell), Sellar, Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

MOTION

At 3:08 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 4:05 p.m.

MOTION

On motion of Senator Mardesich, Senator Donohue was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 931, by Representative Luders:
Implementing the laws relating to insurance.

REPORT OF STANDING COMMITTEE

February 5, 1974.

ENGROSSED HOUSE BILL NO. 931, implementing the laws relating to insurance (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14, section 1, after "RCW" and before the comma insert "*or self-insurers as provided for in chapter 48.52 RCW*".

On page 1, line 21, section 1, after "*self-insurance*" and before the colon insert "*as provided for in chapter 48.52 RCW*".

Signed by: Senators Dore, Chairman; Clarke, Keefe, Newschwander, Woody.

The bill was read the second time by sections.

On motion of Senator Dore, the committee amendments were adopted.

President Pro Tempore Henry assumed the Chair.

On motion of Senator Dore, Engrossed House Bill No. 931, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 931, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Durkan, Lewis (Harry), Newschwander—3.

Excused: Senators Donohue, Twigg—2.

ENGROSSED HOUSE BILL NO. 931, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1173, by Representatives Laughlin, Zimmerman, Bauer and Gaines:

Granting counties power to expend certain moneys.

The bill was read the second time by sections.

On motion of Senator Fleming, Engrossed House Bill No. 1173 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1173, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Durkan, Herr, Lewis (Harry)—3.

Excused: Senators Donohue, Twigg—2.

ENGROSSED HOUSE BILL NO. 1173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 748, by Judiciary Committee (originally sponsored by Representatives Smith, Kelley and Laughlin):

Making certain changes in the laws relating to probate.

MOTIONS

On motion of Senator Matson, Senator Lewis (Harry) was excused.

On motion of Senator Bailey, Engrossed House Bill No. 748, as amended by the Judiciary Committee amendment, was returned to second reading.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey moved that the Senate immediately reconsider the vote by which the Judiciary Committee amendment to Substitute House Bill No. 748 was adopted.

Debate ensued.

The motion for reconsideration by Senator Bailey carried on a rising vote.

On motion of Senator Bailey, the following amendment to the committee amendment was adopted:

On page 25, line 23, strike "[three] two" and insert "three".

On motion of Senator Bailey, the committee amendment, as amended, was adopted.

On motion of Senator Bailey, the committee amendment to the title was adopted.

On motion of Senator Bailey, Substitute House Bill No. 748, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 748, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Durkan, Murray—2.

Excused: Senators Donohue, Lewis (Harry), Twigg—3.

SUBSTITUTE HOUSE BILL NO. 748, as amended by the Senate, having received the constitutional majority, 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. 1255, by Representatives Gallagher, Berentson and Hansen:

Permitting compactor type two axle garbage trucks to purchase additional gross weight tolerances.

REPORT OF STANDING COMMITTEE

February 5, 1974.

HOUSE BILL NO. 1255, permitting compactor type two axle garbage trucks to purchase additional gross weight tolerances (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15, section 1, after "thousand" and before the colon, insert ". *The axle weight tolerance allowed to a garbage truck herein shall not be construed to authorize a vehicle gross weight in excess of the weight for which the vehicle is licensed pursuant to chapter 46.16 RCW*".

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Wanamaker, Washington.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, House Bill No. 1255, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1255, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—41.

Voting nay: Senators Newschwander, Scott, Whetzel—3.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Lewis (Harry), Twigg—3.

HOUSE BILL NO. 1255, as amended by the Senate, having received the constitutional majority, 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. 967, by Committee on Commerce (originally sponsored by Representatives Hendricks, Jastad, Kopet, Wojahn and Valle):

Providing for special packaging to protect children from certain substances.

The bill was read the second time by sections.

On motion of Senator Atwood, Substitute House Bill No. 967 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 967, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Lewis (Harry), Twigg—3.

SUBSTITUTE HOUSE BILL NO. 967, having received the constitutional majority, 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. 1144, by Representatives Ceccarelli, Pardini and Perry:

Providing for health care of newborn infants.

REPORT OF STANDING COMMITTEE

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1144, providing for health care of newborn infants (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18, section 2, after "contract" and before "blanket" strike "or" and insert "except".

On page 1, line 20, section 2, after "services," and before "delivered" insert "renewed,"

On page 2, line 11, section 3, after "birth." and before "*NEW SECTION.*" on line 12 insert "*NEW SECTION.* Sec. 4." and renumber remaining sections consecutively.

"*NEW SECTION.* Sec. 4. There is added to chapter 48.52 RCW a new section to read as follows:

Any self insurer providing coverage or health care benefits or services for dependent children shall include coverage or health care service benefits or services for congenital anomalies of newborn children from the moment of birth."

Signed by: Senators Dore, Chairman; Clarke, Jones, Keefe, Newschwander, Woody.

The bill was read the second time by sections.

On motion of Senator Dore, the committee amendments were adopted.

POINT OF INQUIRY

Senator Clarke: "Would Senator Jones yield to a question please? Senator Jones, you were the chairman of the subcommittee that worked on this bill and one of the major concerns related to whether or not the bill would in effect extend to the normal pediatric care for babies who had nothing wrong with them whatsoever. And calling your attention — on page 1 of the bill where it says — 'Coverage provided in accordance with this section shall include but not be limited to coverage for congenital anomalies of such infant children from moment of birth,' I would ask you whether it is the intent of this bill to cover the expense of the pediatric service that is usual for all children within the first few days after birth where nothing abnormal is discovered and the child then goes through the usual period before it is discharged from the hospital?"

POINT OF ORDER

Senator Greive: "On what authority does Senator Jones speak for this body? As far as I am concerned he can say anything he wants, but it is strictly one man's opinion and in no way speaks for me or for other members of the body."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think that the way the question was phrased that as the chairman of the subcommittee he has the right to answer whether or not it was the intent to cover that."

Senator Jones: "My answer is, that is if I am permitted by Senator Greive to express an opinion, which I believe is the case of all of us, that it was not our intention to cover normal wellborn baby care, that it was intended to cover catastrophic or unusual situations which are the bane of the existence of new families, to extend this coverage from the moment of birth and to exclude, as is in some policies, a period of time which may extend from fourteen days to a month and cover those contingencies referred to as congenital defects and to cover that kind of catastrophic situation."

POINT OF INQUIRY

Senator Dore: "I wonder if Senator Clarke would ask me the same question as chairman of the committee? For the record, without repeating it all again, but would you. . . ."

Senator Clarke: "Senator, I will be very happy to do that because, and the reason for me asking the question at this particular time is that if Senator Jones' response is not correct, then I intend to put up an amendment which will clarify."

Senator Dore: "Answering the question, I think that is the way Senator Jones interpreted the language of the bill. It is very difficult to define what well baby care is. We had testimony before the committee by Dr. Robert Polley, a well-known pediatrician, and he says there is no such thing as a well baby until the baby is ready to go home. I then received letters from other doctors who said there is no such thing as a well baby until after forty-eight hours. So it is very difficult to write it. Well baby care was more or less left in the bill, not resolved."

We had two opinions at the hearing, one by the illustrious Senator Woody. He said that the way it was written, well baby care was provided for. Senator Jones felt that it was not. I think that it is in the bill, possibly. It may not be in the bill. It depends on what a judicial interpretation does, when a judge has to determine what a well baby is, then he can have testimony by the experts and then he can determine what a well baby is. I think it is very difficult to even attempt to do it and Senator Clarke, if you offer such an amendment I certainly am going to oppose it. I think the bill as written came out of the House, we adopted the House form, it was an executive request bill and I think we should have it in the broad coverage I think it is in. The question is, what is a well baby? Now it may be that a baby may look fine when you take him home and then three months later he has some congenital defect. That could be covered. And yet with your definition if he was a well baby during this original period of time you would say, 'Well, he is not covered.' It is a very difficult question. The battle raged in the committee for nearly two weeks.

I do not think I am capable of trying to define well baby care, but I think Senator Jones did an excellent job here. He left it in the bill to let the courts decide. I think that is the proper approach and that is the statement I want to leave in the Journal, and I hope if an amendment is offered to try to resolve this that you vote it down. I think we have done the best possible job we can do."

Senator Day moved adoption of the following amendments by Senators Day and Clarke simultaneously:

On page 1, line 15, section 1, after "birth" strike the period and insert ", but need not include benefits for routine well-baby care."

On page 1, line 27, section 2, after "birth" strike the period and insert ", but need not include benefits for routine well-baby care."

On page 2, section 3, line 11, after "birth" strike the period and insert ", but need not include benefits for routine well-baby care."

Debate ensued.

The motion by Senator Day carried and the amendments by Senators Day and Clarke were adopted.

On motion of Senator Dore, Engrossed House Bill No. 1144, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1144, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Durkan—1.

Excused: Senators Donohue, Lewis (Harry), Twigg—3.

ENGROSSED HOUSE BILL NO. 1144, as amended by the Senate, having received the constitutional majority, 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. 569, by Committee on Ecology (originally sponsored by Representatives Wojahn, Valle, Blair, Nelson and Paris):

Providing for the abatement and control of noise.

REPORT OF STANDING COMMITTEE

February 6, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, providing for the abatement and control of noise (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 6, section 3, after "environment," and before "and" insert "whether the use of such products in each environment is permanent or temporary in nature".

On page 2, line 23, section 3, after "of" and before "products" insert "individual".

On page 4, line 22, section 6, subsection (3), after the period and before "In" insert "If disapproved the local government may appeal the decision to the pollution control hearings board which shall decide the appeal on the basis of the provisions of this chapter, and the applicable regulations, together with such briefs, testimony, and oral argument as the hearings board in its discretion may require."

On page 5, following section 8, insert a new section to read as follows:

"*NEW SECTION.* Sec. 9. All rules and regulations adopted pursuant to the requirements of this act except emergency rules adopted pursuant to RCW 34.04.030, shall be submitted by the adopting agency to the standing rules committees of the legislature at least 20 days before such rules are filed with the code reviser pursuant to section 1 of this 1974 amendatory act. The standing rules committees shall refer such rules to the appropriate standing committees of the senate and the house of representatives, or to a joint committee designated by the standing rules committees for substantive review and approval.

If the appropriate committee of the senate and house of representatives or joint committee has failed to approve a rule or agency regulation submitted to it within thirty days after such submission the code reviser may file such rule or regulation if the attorney

representing the agency involved files an affidavit of non-action by the appropriate committee of the senate or house stating that no action was taken within the thirty day period specified herein.

If the appropriate committees shall reject a proposed rule as not being within the intent of the statute purporting to authorize the adoption thereof, such rejection shall be by majority vote of all the members of both such committees or of the joint committee. The agency affected shall be notified of such rejection and the reasons therefor, and the effective date of the rules suspended for a maximum of 30 days. If at the end of 30 days the agency affected and the appropriate legislative committees have not reached agreement as to the form or content of the proposed rule, it shall become effective as provided in chapter 34.04 RCW and the appropriate committees shall report to the code reviser any proposal for corrective action by the legislature."

Renumber the remaining sections accordingly.

Signed by: Senators Washington, Chairman; Donohue, Murray, Stortini, Van Hollebeke, Whetzel.

The bill was read the second time by sections.

Senator Washington moved adoption of the committee amendment to page 2, line 6, section 3.

POINT OF INQUIRY

Senator Guess: "Senator Washington, will you say how many decibels higher for a temporary installation?"

Senator Washington: "This does not state how many decibels it will be. It says they shall take that into consideration in establishing their regulations. It states that in so doing the department shall take also into account the economic practical benefit to be derived from the use of various products in such environment and whether the use of such products in each environment is permanent or temporary in nature. Now they have to take that into consideration in establishing their regulations. It directs that they take that into consideration."

Senator Guess: "Senator Washington, in connection with this particular amendment I would like to cite you the regulations that were contained in the specifications for the federal pavilion in Spokane before they started construction. It had that economic consideration in the specifications and it gave us a table of decibel ratings to which the equipment could not exceed. I took my meter which I have in my hand and I went over to various construction sites over on the Havermale Island and I found that not one single piece of equipment operating on the island would be able to be used on the construction of the federal pavilion. Now I became very concerned and I called Washington, D.C. and I talked to the EPA and they told me that under no consideration would any piece of equipment be used on the site that exceeded those regulations. Then I called the General Services Administration in Auburn and I got a ten decibel variance from that which was stated in the specifications after I gave them the readings that I had taken. Now what concerns me is that you will run into the attitude of these people as I did in Washington, D.C. that would give you no tolerance whatsoever. I want to make sure that anything that is adopted in the state of Washington does not close down all construction, Senator. Right now the level of my voice is running right at about eighty-six to eighty-eight. I have been taking some readings that I will give you later in the debate on this bill, but the problem that I have with this thing is that if we let the Department of Ecology promulgate rules and regulations according to the Seattle regulations or even to the King County, which is a good bit more liberal than Seattle, we could not even be speaking on the floor of the Senate in the state of Washington. So some way or other we are going to have to make sure that we do not get ourselves into a real box."

Senator Washington: "I think this is true, Senator Guess. I think at this point in the bill, however, Senator, that this is a salutatory amendment and of course it was put in at the request of the construction industry by the committee to take care of this particular point, that they do take into consideration that in construction that they could have a higher decibel rating."

The motion by Senator Washington carried and the committee amendment to page 2, line 6, section 3 was adopted.

On motion of Senator Washington, the committee amendments to page 2, line 23, section 3 and page 4, line 22, section 6, subsection (3) were adopted.

Senator Washington moved adoption of the committee amendment to page 5, adding a new section.

On motion of Senator Washington, the following amendment by Senator Washington to the committee amendment to page 5 was adopted:

Amend the senate committee amendment on page 5 as follows:

On line 6 of the senate committee amendment, being line 6 of new section 9, after "to" strike the remainder of the sentence to and including the word "act" and insert "chapter 34.04 RCW".

There being no objection, Engrossed Substitute House Bill No. 569, as amended, was ordered held for further consideration following Engrossed Substitute House Bill No. 1268.

SECOND READING

ENGROSSED HOUSE BILL NO. 1171, by Committee on Education (endorsed by Representatives Bauer, Ellis, Brown, Ehlers, Hoggins, Johnson, Clemente, Fortson, Bender, Eng, Smythe, Tilly, Warnke, Chatalas, Gaines, Maxie, Laughlin and Van Dyk):

Setting our policy for the administration of urban, rural, racial and disadvantaged education programs.

REPORT OF STANDING COMMITTEE

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1171, setting out policy for the administration of urban, rural, racial and disadvantaged education programs (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 3, line 17, beginning with "nonsectarian" strike all of the material down to and including "nonprofit" on line 18.

On page 1, section 3, following "proposal" and before the period on line 22, insert: " PROVIDED FURTHER, That no public or private agency may receive funds under this section if they are prohibited from receiving or using public money by the operation of other law".

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

On motion of Senator Fleming, Engrossed House Bill No. 1171, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1171, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—38.

Voting nay: Senators Clarke, Newschwander, Scott—3.

Absent or not voting: Senators Atwood, Canfield, Dore, Durkan, Woodall—5.

Excused: Senators Donohue, Twigg—2.

ENGROSSED HOUSE BILL NO. 1171, as amended by the Senate, having received the constitutional majority, 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. 1268, by Committee on Ways and Means — Revenue (originally sponsored by Representatives Randall, Hoggins, Ehlers, Luders and Curtis):

Exempting school districts from having to contract for services from fire protection districts.

The bill was read the second time by sections.

On motion of Senator Odegaard, the following amendments were adopted:

On page 2, line 10, section 1, after "before" strike "*January*" and insert "*July*".

On page 2, beginning on line 11, section 1, strike "*January*" and insert "*July*".

On motion of Senator Odegaard, Engrossed Substitute House Bill No. 1268, 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

Senator Bottiger moved that Engrossed Substitute House Bill No. 1268, as amended by the Senate, be returned to second reading.

POINT OF ORDER .

Senator Peterson (Lowell): "This sounds a little bit irregular to me after the amendments have been adopted by the body to revert to the second reading to remove what the body has adopted. I would like a ruling."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think it is in order. It is legislative procedure. He must explain why he is making that motion. If the body does not want to go along with him that is their prerogative."

Debate ensued.

The motion by Senator Bottiger carried and Engrossed Substitute House Bill No. 1268, as amended by the Senate, was returned to second reading.

Debate ensued.

MOTION FOR RECONSIDERATION

Senator Bottiger moved that the Senate immediately reconsider the vote by which the amendments by Senator Odegaard were adopted.

POINT OF ORDER

Senator Francis: "He did not say whether or not he voted on the prevailing side."

REMARKS BY SENATOR DAY

Senator Day: "Isn't it true that we are not operating under any rules which would mandate him to vote on the prevailing side?"

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "We are operating under my rules, Senator Day. Henry

rules say that the motion now before the Senate is that the Senate do now reconsider the vote by which the two amendments were adopted.”

The motion by Senator Bottiger to reconsider the vote by which the amendments by Senator Odegaard were adopted carried.

MOTION

On motion of Senator Talley, further consideration of Engrossed Substitute House Bill No. 1268, as amended by the Senate, will be held for Thursday, February 7, 1974.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, by Committee on Ecology (originally sponsored by Representatives Wojahn, Valle, Blair, Nelson and Paris):

Providing for the abatement and control of noise.

MOTION

On motion of Senator Washington, further consideration of Engrossed Substitute House Bill No. 569, as amended previously today, was ordered placed at the beginning of the second reading calendar for Thursday, February 7, 1974.

MOTION

On motion of Senator von Reichbauer, Engrossed House Bill No. 437 was ordered to hold its place on the second reading calendar for Thursday, February 7, 1974.

SECOND READING

HOUSE BILL NO. 1226, by Committee on Transportation and Utilities (endorsed by Representatives McCormick, Nelson, Gilleland, Patterson, Berentson, Ceccarelli, Beck, Pullen, Garrett, Gaines, Laughlin, Clemente, Bender, Kraabel, Hansen, Perry, Lysen, Gallagher, Leckenby and Charnley):

Regulating metro vehicles.

The bill was read the second time by sections.

On motion of Senator Henry, House Bill No. 1226 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1226, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Voting nay: Senator Day—1.

Absent or not voting: Senators Connor, Durkan—2.

Excused: Senators Donohue, Twigg—2.

HOUSE BILL NO. 1226, having received the constitutional majority, 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. 102, by Representatives Bauer, Berentson, Laughlin, Hansey and Erickson:

Authorizing alternative procedures for payment of condemnation awards subject to benefits setoff.

REPORT OF STANDING COMMITTEE

February 5, 1974.

HOUSE BILL NO. 102, authorizing alternative procedures for payment of condemnation awards subject to benefits setoff (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 2, line 1 after "property" and beginning with the period strike the remainder of the bill and insert the following:

"without offsetting the amount of any special benefits accruing to a remainder of the property.

The selection of the option set forth in subsections (3) or (4) of this section is subject to the consent by the property owner to the creation and recording of a lien against the remainder in the amount of the fair market value of any property taken plus the amount of damages caused by such acquisition to the remainder of the property without offsetting the amount of any special benefits accruing to a remainder of the property, plus interest as it accrues.

NEW SECTION. Sec. 3. A lien established as provided in section 2 of this 1973 act shall be satisfied or released by:

- (1) Agreement between the parties to that effect; or
- (2) Payment of the lien amount plus interest at the rate of five percent per annum; or
- (3) Payment of the amount of offsetting special benefits as established pursuant to section 2(3) of this 1973 act plus interest at the rate of five percent per annum within four years of the date of acquisition; or
- (4) Satisfaction of a judgment lien entered as a result of a trial before a jury unless jury be waived to establish the change in value of the remainder of the original parcel because of the construction of the project involved: PROVIDED, That if the result of the trial is to find no special benefits then the lien is extinguished by operation of law. Trial may be had on the petition of any party to the superior court of the county wherein the subject remainder liens after notice of intent to try the matter of special benefits has been served on all persons having an interest in the subject remainder. Such notice shall be filed with the clerk of the superior court and personally served upon all persons having an interest in the subject remainder. Filing a notice of intent to try the matter of special benefits shall be accompanied by a fee in the amount paid when filing a petition in condemnation.
- (5) Upon expiration of six years time from the date of acquisition without commencement of proceedings to foreclose the lien or try the matter of special benefits to the remainder of the property, the lien shall terminate by operation of law.

NEW SECTION. Sec. 4. A judgment entered as a result of a trial on the matter of special benefits shall not exceed the previously established sum of (1) the fair market value of any property taken; (2) the amount of damages if any to a remainder of the property, without offsetting against either of them the amount of any special benefits accruing to a remainder of the property; (3) the interest at five percent per annum accrued thereon to the date of entry of the judgment.

NEW SECTION. Sec. 5. Attorney fees and expert witness fees of the condemnee may be allowed by the attorney general or other attorney representing a condemnor to the extent provided in RCW 8.25.070 and shall be awarded by the court as authorized by this section to the extent provided in RCW 8.25.070 for trial and trial preparation: (1) in the event a trial is held as authorized by section 2 of this 1973 act except the judgment awarded to the condemnor must exceed by ten percent or more the highest written offer in settlement of the issue to be determined by trial submitted by the condemnor to those

condemnees appearing in the action at least thirty days prior to commencement of the trial; (2) in the event of a trial on the matter of special benefits as authorized by section 3(4) of this 1973 act except the judgment awarded to the condemnor must be no more than ninety percent of the lowest written offer in settlement submitted by the condemnor to the condemnees appearing in the action at least thirty days prior to commencement of the trial on the matter of special benefits.

NEW SECTION. Sec. 6. Liens created and recorded as set forth in section 2 of this 1973 act are preferred to any lien, mortgage or other encumbrance which may attach subsequently to the time of creation and recording of the lien and are also preferred to any lien, mortgage or other encumbrance which may have attached previously to that time, and which was not filed or recorded so as to create constructive notice of the same prior to that time.

NEW SECTION. Sec. 7. A condemnor may foreclose the lien authorized by section 2 of this 1973 act by bringing an action and applying for summary judgment pursuant to civil rule 56 and may execute first upon the remainder property but such proceedings shall not be commenced before five years time has passed from the date of acquisition by the condemnor. A property owner may stay proceedings to enforce the lien authorized by section 2 of the 1973 act by commencement of an action to try the matter of special benefits.

NEW SECTION. Sec. 8. Sections 1 through 7 of this 1973 act shall be added to chapter 8.25 RCW.

NEW SECTION. Sec. 9. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Walgren, Chairman; Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Wanamaker, Washington, Whetzel.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

MOTION

On motion of Senator Atwood, further consideration of House Bill No. 102, as amended by the Senate, was ordered held on the second reading calendar for Thursday, February 7, 1974.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, by Committee on Commerce (originally sponsored by Representatives Jastad, Bagnariol, Wojahn, McCormick, Savage, Kalich, Thompson, Anderson, Ceccarelli and Gaines):

Authorizing card room, pinball machines, punch cards, and pull tabs.

MOTION

Senator Lewis (Harry) moved that Engrossed Substitute House Bill No. 473 be ordered to hold its place on the second reading calendar for Thursday, February 7, 1974.

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "We have had an objection and the caucus would like to hold it until the second reading calendar for tomorrow."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, I am going to — at least for the record — have to object. The newspapers always keep saying that we wait until the last minute and I want you to know it is over my objection if we wait until the last minute."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, in talking to the majority leader of the Senate it was understood, Senator Francis, that because we have not had an opportunity to caucus, we are familiar with the legislation but there have been changes made. In addition to that, we have not briefs in front of us. We would like to hold it over. Otherwise, we are going to have to have a caucus to go over them."

The motion by Senator Lewis (Harry) carried, and Engrossed Substitute House Bill No. 473 was ordered to hold its place on the second reading calendar for Thursday, February 7, 1974.

SECOND READING

SENATE BILL NO. 3304, by Senators Donohue, Sellar, Sandison, Woodall and Matson:

Authorizing off-laboratory building at Washington State University Tree Fruit Research Center and providing for the financing thereof through issuance of bonds.

The bill was read the second time by sections.

On motion of Senator Mardesich, Senate Bill No. 3304 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3304, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Durkan, Jones—2.

Excused: Senators Donohue, Twigg—2.

SENATE BILL NO. 3304, having received the constitutional 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 Mardesich, the Senate immediately commenced consideration of Senate Bill No. 3378.

SECOND READING

SENATE BILL NO. 3378, by Senators Donohue and Atwood (by Executive request): Making certain appropriations and reappropriations.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 3378 was substituted for Senate Bill No. 3378, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, 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.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3378, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Twigg—2.

SUBSTITUTE SENATE BILL NO. 3378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate immediately commenced consideration of Senate Bill No. 3209.

SECOND READING

SENATE BILL NO. 3209, by Senators Sandison, Donohue, Atwood and Clarke:

Amending the laws relating to taxation of insurance pensions.

The bill was read the second time by sections.

On motion of Senator Sandison, Senate Bill No. 3209 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3209, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Twigg—2.

SENATE BILL NO. 3209, having received the constitutional 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 Mardesich, the Senate commenced consideration of Engrossed House Bill No. 1296.

SECOND READING

ENGROSSED HOUSE BILL NO. 1296, by Representatives Waŕnke, O'Brien and Hayner (by Superintendent of Public Instruction request):

Reaffirming limited rights of state board of education over private schools.

REPORT OF STANDING COMMITTEE

January 31, 1974.

ENGROSSED HOUSE BILL NO. 1296, reaffirming limited rights of state board of education over private schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 5, section 2, after "district." insert a new paragraph to read as follows: "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."

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Peterson (Ted).

The bill was read the second time by sections.

On motion of Senator von Reichbauer, the committee amendment was adopted.

President Cherberg assumed the Chair.

On motion of Senator von Reichbauer, Engrossed House Bill No. 1296, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1296, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Twigg—2.

ENGROSSED HOUSE BILL NO. 1296, as amended by the Senate, having received the constitutional majority, 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. 1044, by Representatives Bluechel, Bagnariol and Berentson:

Defining "original producer" of nursery stock for taxation purposes.

REPORT OF STANDING COMMITTEE

February 6, 1974.

ENGROSSED HOUSE BILL NO. 1044, defining "original producer" of nursery stock for taxation purposes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, in line 2 beginning with "person," strike all matter down to the period in line 5 and insert "*person who, beginning with seeds, cuttings, bulbs, corms, or any form of immature plants, grows such plants in the course of their development into either a marketable partially grown product or a marketable consumer product*".

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Scott.

The bill was read the second time by sections.

On motion of Senator Canfield, the committee amendment was adopted.

On motion of Senator Canfield, Engrossed House Bill No. 1044, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1044, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Voting nay: Senator Francis—1.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Twigg—2.

ENGROSSED HOUSE BILL NO. 1044, as amended by the Senate, having received the constitutional 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 Mardesich, the Senate commenced consideration of Substitute House Bill No. 671.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 671, by Committee on Commerce (originally sponsored by Representatives Gallagher, Conner and Kalich):

Implementing the laws relating to the length of boxing matches.

The bill was read the second time by sections.

On motion of Senator Greive, Substitute House Bill No. 671 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 671, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Twigg—2.

SUBSTITUTE HOUSE BILL NO. 671, having received the constitutional 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 Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 757.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 757, by Committee on Education (originally sponsored by Representatives Erickson, Johnson, Valle, McCormick, Wojahn, Maxie, North (Lois) and Hayner):

Supplementing law authorizing school patrols.

The bill was read the second time by sections.

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 757 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Jones: "Would Senator Bottiger yield to a question? Are these adults being compensated in any way?"

Senator Bottiger: "Under the bill they could be paid but in fact in all cases that we have heard of they would be volunteers. You might hire one to supervise, but the testimony was all volunteer."

Senator Jones: "It is optional then, it is not required. Thank you."

POINT OF INQUIRY

Senator Newschwander: "I appreciate your answer to the question, but it seems to me that when we had this bill before us last year there originally was an appropriation for the bill and since then it has been rewritten, but the other night in the meeting there was a fiscal note if they decided later to put this in force. I think it was one adult per every hundred children or so, but with the fiscal note of around a million dollars. Since there is not an appropriation here, it looks to me like this is the first step or the foot in the front door, and you will soon come back in the '75 session looking for an appropriation."

Senator Bottiger: "Senator Newschwander, presuming that was a question, it is not our intent to do so, and the school districts that were involved and my understanding is that once the bill was first introduced many other school districts also said they would like to do this. It occurs in your district and mine where they have had volunteers offer to do it, but they cannot cover them with their liability insurance and that is the reference on the last line to put them under liability."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 757, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—41.

Voting nay: Senators Clarke, Newschwander, Wanamaker—3.

Absent or not voting: Senators Connor, Durkan—2.

Excused: Senators Donohue, Twigg—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED HOUSE BILL NO. 385, by Representatives Van Dyk, Kelley and Patterson:

Establishing animal technicians, allowing state veterinary board to employ a secretary,

and providing for suspension or revocation of veterinary license if revoked in another state.
The bill was read the second time by sections.

On motion of Senator Jolly, Reengrossed House Bill No. 385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Jolly yield? Senator Jolly, both Senator Bottiger and I last year were concerned when this came through because at least last year it restricted — it was restrictive enough so that our respective wives could not give our animals shots, as both of our wives have quite a needle. And would it do that now? Would that restrict it?"

Senator Jolly: "Senator Woody, if you will look at line 22 on page 3, it says 'Persons practicing veterinary medicine upon their own animals are exempt.' So your wife can practice on her own animals."

Senator Woody: "If my neighbor's cat comes over and needs a penicillin shot, my wife cannot do it?"

Senator Jolly: "Your neighbor has to give the cat the shot himself. But you can practice on your own animals."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 385, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Durkan—1.

Excused: Senators Donohue, Twigg—2.

REENGROSSED HOUSE BILL NO. 385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1180, by Representatives Thompson, Gaines and Zimmerman:

Relating to purchases of election materials.

The bill was read the second time by sections.

On motion of Senator Grant, House Bill No. 1180 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1180, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Voting nay: Senator Jones—1.

Absent or not voting: Senators Durkan, Francis—2.

Excused: Senators Donohue, Twigg-2.

HOUSE BILL NO. 1180, having received the 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 Woodall: "Would Senator Rasmussen yield? Senator Rasmussen, I noticed the other day we referred to you the matter of studying the two parole or pardon messages of the Governor whereby two first degree murderers who were sentenced to life by the courts were turned loose in seven years. It cost us taxpayers two hundred thousand for the guy they let run around over in Tacoma and I just read in the paper today that we taxpayers have just now paid the widow of Trooper Noble eighty-six thousand five hundred for letting that man have a night out, so I think you should get your committee meeting and look into this whole liberal policy. We taxpayers just cannot afford these follies."

Senator Rasmussen: "I think you are right, Senator Woodall. Thanks for bringing it to the attention of the committee."

MOTION

At 6:17 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:00 a.m., Thursday, February 7, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, February 7, 1974.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Durkan.

The Color Guard, consisting of Pages Kim Gardner and Marci Kean, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

“OUR HEAVENLY FATHER, WE THANK YOU FOR THE DEMOCRATIC PROCESS BY MEANS OF WHICH WE SEEK TO RECONCILE OUR PERSONAL INTERESTS AND LEGISLATE SOCIAL RESPONSIBILITY. BLESS THE SENATORS AS THEY TURN TO THEIR WORK. GIVE THEM DISCERNMENT AS THEY WEIGH THE ISSUES BEFORE THEM AND A CONCILIATORY SPIRIT AS THEY DEBATE THEIR DIFFERENCES. GRANT THAT AT DAY’S END, THEY MAY FIND SOME PERSONAL SATISFACTION IN A JOB WELL DONE. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEE

February 6, 1974.

HOUSE BILL NO. 1276, defining exempted transactions under the consumer protection act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Atwood, Bottiger, Clarke, Durkan, Marsh, Woodall.

MINORITY recommendation: Do not pass.

Signed by: Senator Woody, Vice Chairman.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 6, 1974.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 670,

HOUSE BILL NO. 1308, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1328, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2329, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3229, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 2429,
 SENATE BILL NO. 2551,
 SENATE BILL NO. 3022,
 SENATE BILL NO. 3037,
 SUBSTITUTE SENATE BILL NO. 3049,
 SENATE BILL NO. 3184, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 135,
 HOUSE BILL NO. 150,
 HOUSE BILL NO. 566,
 HOUSE BILL NO. 636,
 HOUSE BILL NO. 1206,
 HOUSE BILL NO. 1211,
 HOUSE BILL NO. 1273, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The Speaker has signed:
 SECOND SUBSTITUTE HOUSE BILL NO. 637,
 HOUSE BILL NO. 717,
 HOUSE BILL NO. 761,
 HOUSE BILL NO. 804,
 HOUSE BILL NO. 1031,
 HOUSE BILL NO. 1240,
 HOUSE BILL NO. 1261,
 HOUSE BILL NO. 1272,
 HOUSE BILL NO. 1302,
 HOUSE BILL NO. 1309,
 HOUSE BILL NO. 1373,
 HOUSE BILL NO. 1388,
 HOUSE JOINT MEMORIAL NO. 17, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The House has passed:
 ENGROSSED SENATE BILL NO. 2969,
 ENGROSSED SENATE BILL NO. 3040, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 764, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1363, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 6, 1974.

Mr. President: The House has passed:

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2843,
 SENATE BILL NO. 3050,
 SENATE BILL NO. 3077,
 ENGROSSED SENATE BILL NO. 3168,
 ENGROSSED SENATE BILL NO. 3351, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 135,
 HOUSE BILL NO. 150,
 HOUSE BILL NO. 566,
 HOUSE BILL NO. 636,
 SECOND SUBSTITUTE HOUSE BILL NO. 637,
 HOUSE BILL NO. 717,
 HOUSE BILL NO. 761,
 HOUSE BILL NO. 804,
 HOUSE BILL NO. 1031,
 HOUSE BILL NO. 1206,
 HOUSE BILL NO. 1211,
 HOUSE BILL NO. 1240,
 HOUSE BILL NO. 1261,
 HOUSE BILL NO. 1272,
 HOUSE BILL NO. 1273,
 HOUSE BILL NO. 1302,
 HOUSE BILL NO. 1309,
 HOUSE BILL NO. 1373,
 HOUSE BILL NO. 1388,
 HOUSE JOINT MEMORIAL NO. 17.

MOTION

At 9:10 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 10:45 a.m.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, by Committee on Ecology (originally sponsored by Representatives Wojahn, Valle, Blair, Nelson and Paris):

Providing for the abatement and control of noise.

The Senate resumed consideration of Engrossed Substitute House Bill No. 569. On Wednesday, February 5, 1974 the committee amendments to page 2, lines 6 and 23 and to

page 4, line 22 were adopted. The committee amendment to page 5 adding new section 9 was moved for adoption by Senator Washington, and an amendment by Senator Washington to the committee amendment was adopted on Wednesday, February 6, 1974.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? Senator Washington, there is a question in my mind yet on this bill. We do not at the present time know the rules and regulations that they will promulgate. And yet we are subject to a hundred dollar fine for each occurrence of violation. Have you taken that portion out of the bill?"

Senator Washington: "No, that portion is not out of the bill, but it cannot go into effect until the rules and regulations have been adopted. There is no enforcing provision until the regulations have been promulgated, until they have been first sent to the standing Rules Committee of each house. The standing Rules Committee can either send it to the Ecology Committee or if they do not have confidence in the Ecology Committee they can set up a special joint committee to review those rules and regulations. If we do not like those rules and regulations, then you can negotiate with the Department of Ecology and certainly through all of this means, if we have some real opposition to those rules and regulations which are specifically expressed, the Department of Ecology will undoubtedly go along with the legislature. Then of course it provides that if they do not agree it can be referred to the legislature for further action. The thing I do want to say is that your fear of having some requirements which would place someone under the possibility of having a penalty, that cannot go into effect until all of this has been done. And I would like to raise a point of order here. If we could get this amendment adopted, I think you are putting your emphasis on another particular section of the act. I would like to at least get this adopted here. The Department of Ecology is going to have to submit to these very strict regulations that we are putting in the bill."

The motion by Senator Washington made on Wednesday, February 6, 1974 carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Washington, Engrossed Substitute House Bill No. 569, as amended by the Senate, was made a special order of business for 12:00 noon today.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 10, by Judiciary Committee (originally sponsored by Representatives Ehlers, Shinpoeh, Wojahn and Goltz):

Providing that disclaimer of warranties in the sale of consumer goods shall be ineffective.

REPORT OF STANDING COMMITTEE

February 5, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 10, providing that disclaimer of warranties in the sale of consumer goods shall be ineffective (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, section 1, after "*purchased*" and before "*primarily*" insert "*or leased*" and on line 11, after "*use*" and before "*for*" strike "*and not*" and insert "*or*" and on line 14, after "*sellers*" and before "*or*" insert "*or lessors*".

On page 3, line 10, section 2, after "*purchased*" and before "*primarily*" insert "*or leased*" and on line 14, after "*sales*" and before "*of*" insert "*or leases*".

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Dore, Durkan, Marsh, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were adopted.

On motion of Senator Francis, Engrossed Substitute House Bill No. 10, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Clarke: "I would like to get Senator Francis's remarks on the record so I would ask him to respond to a question with respect to the particularity of the warranty as to goods damaged in transit or with fire."

Senator Francis: "Senator Clarke, as I just stated, the language in this bill which says that there can be a disclaimer so long as the disclaimer sets forth with particularity the qualities and characteristics which are not being warranted. Our committee concluded after extensive discussion and testimony that that would mean that damage in transit, if you said that there was transit damage and you had not inspected, you do not know what kind of damage there is and you are selling on an 'as is' basis, you could do that. The same with a fire sale or with some other kind of damage of a generalized nature where you are particularizing the reason for your 'as is' sale."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 10, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10, absent or not voting, 1.

Voting yea: Senators Bailey, Bottiger, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall, Woody—37.

Voting nay: Senators Atwood, Canfield, Guess, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Sellar, Talley, Twigg, Wanamaker—10.

Absent or not voting: Senator Durkan—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 10, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1084, by Representative Moon:

Setting the maximum rate of interest permitted on time deposits of public funds.

MOTION

On motion of Senator Dore, House Bill No. 1084, as amended by Senator Mardesich, was made a special order of business for 2:15 p.m. today.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, by Committee on Commerce (originally sponsored by Representatives Jastad, Bagnariol, Wojahn, McCormick, Savage, Kalich, Thompson, Anderson, Ceccarelli and Gaines):

Authorizing card rooms, pinball machines, punch cards, and pull tabs.

MOTION

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 473 was made a special order of business for 3:00 p.m. today.

SECOND READING

SENATE BILL NO. 3194, by Senators Durkan, Bailey and Peterson (Ted):
 Providing for increases in police and firemen's pensions.

REPORT OF STANDING COMMITTEE

February 6, 1974.

SENATE BILL NO. 3194, providing for increases in police and firemen's pensions (reported by Committee on Local Government and Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways and Means:

On page 1, line 7, section 1, strike all the material down to and including the period on line 12.

On page 1, line 13, section 1, strike "Effective April 1, 1974" and insert:

"In lieu of the two percent increase in benefits received by pensioners under RCW 41.18.104 and effective July 1, 1974".

On page 2, line 8, section 2, strike all the material down to and including the period on line 11.

On page 2, line 12, section 2, strike "Effective April 1, 1975" and insert:

"In lieu of the two percent increase in benefits being received by pensioners under RCW 41.18.104 and effective July 1, 1974".

On page 2, line 21, section 2, after "section", add:

": PROVIDED FURTHER: That the increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement".

On page 3, line 1, section 3, strike all the material down to and including the period on line 4.

On page 3, line 5, section 3, strike "Effective April 1, 1975" and insert:

"In lieu of the two percent increase in benefits being received by pensioners under RCW 41.20.050, 41.20.060, and 41.20.080 and effective July 1, 1974".

On page 3, line 14, section 3, after "section", add:

": PROVIDED FURTHER, That the increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.20 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement".

Following are the amendments by the Committee on Local Government:

On page 3, after section 3 add a new section to read as follows:

"NEW SECTION. Sec. 4. To carry out the provisions of this 1974 act there is appropriated from the general fund for the remainder of the biennium ending June 30, 1975, the sum of one million dollars, or so much thereof as may be necessary."

In line 1 of the title, after "benefits;" and before "adding" insert "making an appropriation;"

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Grant, Lewis (Harry), Peterson (Ted), Rasmussen, Scott, Woody.

POINT OF INQUIRY

Senator Whetzel: "Before we leave second reading I wonder if Senator Odegaard could tell me who is going to pay for this act. I know that there is an appropriation in here, but it seems unclear whether the state or the cities will pay for this."

Senator Odegaard: "In answer to Senator Whetzel, this relates back to the reserve funds that the cities have and the information we have is that they have plenty of money in

reserve to take care of the cost of the amendment which will total about one hundred and thirty thousand dollars state-wide."

Senator Whetzel: "Senator Odegaard, is section 4, the Local Government Committee amendment, still on this bill, 'That to carry out the provisions of this act there is appropriated from the general fund the sum of one million dollars?'"

Senator Odegaard: "It is still on it, but that would be my next motion to move to not adopt that amendment."

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendments by the Committee on Ways and Means were adopted.

Senator Odegaard moved that the committee amendment by the Committee on Local Government to page 3, adding new section 4 not be adopted.

POINT OF INQUIRY

Senator Guess: "Would Senator Odegaard yield? Senator Odegaard, how much money is it going to require that Spokane meet out of a nonexistent reserve fund?"

Senator Odegaard: "How much for Spokane? Spokane presently has in their fund reserve three point four million dollars, Senator Guess, and I do not have the exact figure of what this bill would amount to for Spokane, but it would be just one part out of one hundred and thirty thousand. So it would be a relatively small amount out of the three point four million reserve."

Senator Guess: "Are you sure that is a reserve? Isn't it reserved for paying out the pensions? It is not a surplus, but it is the funding of the thing to cut down on the nonfunded portion, isn't it?"

Senator Odegaard: "As I understand it, that is a good part of it, yes. They also have the availability of the local one mill levy for the pension fund and some of the cities are not utilizing all of that for the pension fund, but are using it for other things. I understand that Spokane is one that is not now using all that one mill for pension funding."

POINT OF INQUIRY

Senator Whetzel: "At this time I do not want to oppose that, but if we find out that the costs there are one million dollars to the cities of the state, then maybe I want to oppose this so the state would pick up this cost that we are imposing on the cities by our action and the cities have asked us not to do."

Senator Odegaard: "In answer to that, Senator Whetzel, the amendments which we have adopted have taken off that cost because that would have allowed the immediate twenty percent increase and this body a short time ago adopted the amendment that did away with that twenty percent immediate increase so that is the reason then for not adopting the Local Government Committee amendment to appropriate the million dollars."

MOTION

On motion of Senator Fleming, Senate Bill No. 3194, as amended, was made a special order of business for 2:45 p.m. today.

SECOND READING

ENGROSSED HOUSE BILL NO. 1295, by Representatives Perry, Kraabel, Charnley, Kishimoto, Rabel, Ceccarelli and Van Dyk:

Providing for the establishment, improvement, and upgrading of bicycle routes.

REPORT OF STANDING COMMITTEE

February 4, 1974.

ENGROSSED HOUSE BILL NO. 1295, providing for the establishment, improvement,

and upgrading of bicycle routes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 12, section 13, after "roadway" and before "if" insert "or any specially designated bicycle lane".

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Keefe, Knoblauch, Peterson (Lowell), Sellar, Talley, Wanamaker, Washington, Whetzel.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

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

On page 4, line 26, insert a new section 12 as follows:

"Sec. 12. Section 2, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.030 are each amended to read as follows:

Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians or bicyclists [or would accommodate], or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially [benefit] increase the motor vehicle safety [of the traveling public by] the provision [within the right of way] of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail [,] is hereby authorized. The state highway commission, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to spend reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.100, as necessary for the planning, accommodation, establishment, and maintenance of such facilities."

Renumber the remaining sections.

On motion of Senator Walgren, Engrossed House Bill No. 1295, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Peterson (Lowell): "Would Senator Walgren yield? Senator Walgren, are these funds that we are speaking of coming out of highway tax dollars?"

Senator Walgren: "The Urban Arterial Board fund, highway from that standpoint, yes."

Senator Peterson (Lowell): "Coming out of our gas tax money, though?"

Senator Walgren: "To a certain extent, yes."

Senator Peterson (Lowell): "To what extent?"

Senator Walgren: "Over fifty thousand dollars is being appropriated here."

Senator Peterson (Lowell): "For the pilot program?"

Senator Walgren: "The pilot program."

Senator Peterson (Lowell): "Do we have any projection as to what we are getting ourselves into in future revenues?"

Senator Walgren: "Hopefully a lot of people who are concerned about riding bicycles, and I am one of them, that this may very well become a very important mode of transportation in this state and I think that with the energy problems, the gasoline shortage, Senator Peterson, we might find a lot of people on bicycles. Senator Guess, of course, is one of the predominant bicycle riders that we have here in the Senate. Senator Whetzel used to be one of those very important bicycle riders."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, just to further clarify the situation to Senator Peterson, it was suggested in our caucus that in the future we would be using the freeways for the bicycle trails."

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Walgren yield to a question? Senator Walgren, this bill says that it conserves energy and you have said that they do not use energy. My question is, how come every time I ride my kids' bicycles I am so tired when I get through?"

Senator Walgren: "Me, too."

REMARKS BY SENATOR GUESS

Senator Guess: "If I might inform Senator Van Hollebeke, it is that he does not ride sufficiently often."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1295, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Jolly—1.

Absent or not voting: Senators Durkan, Lewis (Harry)—2.

ENGROSSED HOUSE BILL NO. 1295, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2329,
THIRD SUBSTITUTE SENATE BILL NO. 2843,
SENATE BILL NO. 2969,
SENATE BILL NO. 3040,
SENATE BILL NO. 3050,
SENATE BILL NO. 3077,
SENATE BILL NO. 3168,
SENATE BILL NO. 3229,
SENATE BILL NO. 3351.

SECOND READING

ENGROSSED HOUSE BILL NO. 1169, by Representatives Williams, Chatalas, Conner, Maxie, Brown and Eng (by Asian-American Advisory Council request):

Establishing the Washington commission on Asian-American Affairs.

The bill was read the second time by sections.

Senator Dore moved adoption of the following amendments simultaneously:

On page 2, section 4, line 4, after "twenty" and before "members" insert "four".

On page 2, section 4, line 5, after the period following "senate" and before "In" insert "Two of the members to be appointed shall be members of the house of representatives to be selected by the speaker of the house of representatives and two of the members shall be members of the senate of the state of Washington to be selected by the president of the senate. The legislative members selected by each house shall be one member from each political party."

POINT OF INQUIRY

Senator Canfield: "Will Senator Dore yield? Senator, I think the first committee we created along these lines was the Mexican-American Affairs Commission and it was created, I think, for a worthwhile purpose. The success has been questionable up to this time. But the question I want to ask you, Senator Dore, is why are you making this a political appointment? I thought this was designed to serve the Asian-American citizens, and as I read your second amendment particularly you are making it a partisan appointment."

Senator Dore: "Bipartisan, Senator, so we have a viewpoint of both the Republicans and Democrats on this important matter, yes."

Senator Canfield: "I thought that these members were supposed to concern themselves with the problems of their own particular ethnic situations and it seems to me that making political appointments is out of order."

Senator Dore: "I do not know if that is a question or not, but the idea is to bring all minorities in the state into the mainstream and not to, as you might suggest, just study and analyze the very limited ethnic participation. We want to have them participate on a broad basis."

POINT OF INQUIRY

Senator Fleming: "Senator Dore, would you yield to a question? Do you plan on offering amendments to the Women's Council and all the others in the same fashion and do you also plan on in the near future making an amendment to do the same thing to the Mexican-American Affairs Commission?"

Senator Dore: "Senator, is this on the calendar, those other bills?"

Senator Fleming: "No, it is not."

Senator Dore: "Well, I have to read the bill first. . . ."

Senator Fleming: "It is not the idea of whether you are reading the bill. They are all commissions and they are all set up to do the same thing."

Senator Dore: "I would not think it would be harmful, but I would like to reserve my opinion on those until I have a chance to read them."

Senator Fleming: "Senator, I think I am going to oppose this amendment. I think that what you are trying to do here is a pretty good idea on the surface and I can understand probably some of the reasons why you might want this done in view of some of the situations that might have taken place politically or one way or another, but I think I would have to support Senator Canfield on this measure, although we are talking about these special commissions set up to deal with special problems and maybe in your point of view some of their activities might have spilled over into the political situation and maybe that is wrong. Or maybe it is right. I do not know, but I think that to get involved in trying to put a member of each legislative body on this commission would not be appropriate at this time."

Senator Dore: "Mr. President and members of the Senate, I have no quarrel, I am very much in favor of the act. In fact, I have written many letters supporting it. I am not going to have to be serving on the committee. I have no personal interest, but I just think it is good on a broad base to have representation from this body. It was discussed in caucus by a number of members and they seemed to join with me and that was the reason that they asked me to put this amendment up. Unfortunately, a lot of times we talk about minorities and blacks seem to think they are the only minority. They do not think one of Chinese or Japanese ancestry or so forth is a minority, and I disagree with that. I think they are entitled to be represented too as minorities, and I think if they can associate with legislators who know their problems and are able to come to the legislature then with perhaps legislation, they have the background of going to their meetings and studying their needs. This is especially effective in the Urban Government Committee on which both you and I serve. We served and when they came to conclusions and recommendations we took those here, put them into laws and passed them. Now if we had not been members of those committees I doubt seriously if they would have been able to give us the background and the factual information and the impetus and the sincerity to instill in us the ability so we put bills in to effectuate the change in the law. And that is what I am trying to do here, to do for the

Asians the same thing we did for the Urban Racial Committee, for the other minority groups, and that is why I offered it. I have nothing personal involved in it. I am one hundred percent for them. They are supporters of mine. I want to help them. I think it would be very helpful if we could get four legislators there to go to their meetings to hear what they want, what their grievances are, what type of legislation they want and to have that knowledge, to be in contact with their leaders and then come here, put the bills in, and pass them. Otherwise, they operate in a vacuum. They meet with themselves, they do not have the expertise or background or experience of legislators to get the information to introduce bills, and I think that the knowledge and the example of the urban committee on which you and I both served was very effective in doing this. In fact, if we had not been there, I doubt seriously whether any legislation would have passed at all."

Debate ensued.

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, just briefly to Senator Dore, as I said before I understand what you are trying to do here, but this commission is a little different from the URD commission, and I want to remind you that the blacks do not think that they are the only minorities. They have just taken the brunt of everything to pave the way for other minorities and the women to do a lot of the things that they are doing."

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

On motion of Senator Ridder, Engrossed House Bill No. 1169, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1169, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent or not voting, 4.

Voting yea: Senators Bailey, Bottiger, Canfield, Connor, Day, Dore, Fleming, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Marsh, Matson, Metcalf, Murray, Newschwander, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—35.

Voting nay: Senators Clarke, Donohue, Guess, Lewis (R. H. "Bob"), Odegaard, Peterson (Lowell), Peterson (Ted), Twigg, Van Hollebeke—9.

Absent or not voting: Senators Atwood, Durkan, Francis, Mardesich—4.

ENGROSSED HOUSE BILL NO. 1169, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 383, by Committee on Local Government (originally sponsored by Representatives Van Dyk, Douthwaite and Charnley):

Providing standards for approval of plats and subdivisions.

MOTION

On motion of Senator Fleming, Second Substitute House Bill No. 383 was made a special order of business for 3:30 p.m. today.

SECOND READING

SENATE BILL NO. 2541, by Senator Talley:

Reducing acreage required to qualify for taxation under timber tax law.

MOTION

On motion of Senator Odegaard, Senate Bill No. 2541 was ordered to hold its place on the second reading calendar for Friday, February 8, 1974.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "Gentlemen of the Senate, I have had placed on your desks a briefing of the bill that Senator Odegaard moved over until tomorrow, Senate Bill No. 2541. I ask you, if you have time, to take a look at it. This is the forest tax bill and it is a brief, section by section. There are a couple of amendments which we are preparing, one really minor one is to make the changes necessary in the bill to make it fit with the new school formula which was changed, and there is one other technical amendment which has to do with the classified lands which will provide a rollback provision which is really a simple amendment, although it is quite lengthy. I wanted to bring to your attention that we do have a brief of the bill before you, and it is a long bill. It is almost identical to the one we passed last session, but the bill will be considered tomorrow. This will give you an opportunity to go over the details. If you have any questions, Senator Odegaard or I or Senator Durkan would be very happy to try to answer them for you."

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, by Committee on Ecology (originally sponsored by Representatives Wojahn, Valle, Blair, Nelson and Paris):

Providing for the abatement and control of noise.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 569. The committee amendments to page 2, lines 6 and 23 and to page 4, line 22 were adopted on Wednesday, February 6, 1974. An amendment by Senator Washington to the committee amendment to page 5 adding a new section 9 was adopted at that time. The committee amendment, as amended by Senator Washington, was adopted earlier today.

On motion of Senator Woodall, the Senate moved to consider an amendment by Senator Guess pending on the Secretary's desk.

Senator Guess moved adoption of the following amendment:

On page 1, after line 14, strike the remainder of the bill and add the following: "Therefore, the department of ecology is directed to conduct studies of noise levels throughout the state and to report back to the legislature with recommendations in the session beginning in January of 1975."

Debate ensued.

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Guess:

Amend the Guess amendment as follows:

After "1975." on the last line of the amendment add the following:

"*NEW SECTION.* Sec. 2. No local jurisdiction shall adopt resolutions, ordinances, rules or regulations concerned with the control of noise prior to the adjournment of the 1975 regular legislative session."

Debate ensued.

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

The President declared the question before the Senate to be adoption of the amendment by Senator Guess as amended by Senator Mardesich.

Senator Whetzel demanded a roll call and the demand was sustained by Senators Metcalf, Washington, Dore, Connor, Greive, Jones, Scott, Lewis (R. H. "Bob") and Wanamaker.

ROLL CALL

The Secretary called the roll and the amendment by Senator Guess, as amended by Senator Mardesich, was adopted by the following vote: Yeas, 31; nays, 13; absent or not voting, 4.

Voting yea: Senators Canfield, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woodall, Woody—31.

Voting nay: Senators Bailey, Connor, Dore, Fleming, Francis, Greive, Jones, Metcalf, Murray, Ridder, Scott, Washington, Whetzel—13.

Absent or not voting: Senators Atwood, Bottiger, Durkan, Grant—4.

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

In line 2 of the title, after "70 RCW" insert a period and strike the remainder of the title.

On motion of Senator Washington, Engrossed Substitute House Bill No. 569, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 569, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 4.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall, Woody—39.

Voting nay: Senators Bottiger, Matson, Murray, Scott, Washington—5.

Absent or not voting: Senators Atwood, Durkan, Grant, Lewis (Harry)—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, as amended by the Senate, having received the constitutional 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 Washington, Engrossed Substitute House Bill No. 569, as amended by the Senate, was ordered immediately transmitted to the House.

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

REPORTS OF STANDING COMMITTEES

February 7, 1974.

SENATE BILL NO. 3042, enacting a state labor-management relations act (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3042 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Dore, Fleming, Grant, Mardesich, Marsh, Rasmussen, Sandison, Woody. Passed to Committee on Rules for second reading.

February 7, 1974.

SENATE BILL NO. 3170, enacting emergency energy legislation (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3170 be substituted therefor and the substitute bill do pass as recommended by the Committee on Transportation and Utilities.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Dore, Fleming, Grant, Mardesich, Marsh, Rasmussen, Sandison, Woody.
Passed to Committee on Rules for second reading.

February 6, 1974.

SUBSTITUTE HOUSE BILL NO. 530, changing the laws relating to commission merchants (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Donohue, Matson, Twigg.
Passed to Committee on Rules for second reading.

MOTION

At 12:45 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 437, by Representatives Brown and Luders (by Joint Committee on Education request):

Implementing the law relating to intermediate school districts.

The bill was read the second time by sections.

On motion of Senator Murray, Engrossed House Bill No. 437 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 437, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 11.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Washington, Whetzel, Woodall, Woody—37.

Absent or not voting: Senators Atwood, Bottiger, Greive, Jones, Lewis (Harry), Metcalf, Peterson (Lowell), Ridder, Sellar, Walgren, Wanamaker—11.

ENGROSSED HOUSE BILL NO. 437, having received the constitutional majority, 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. 102, by Representatives Bauer, Berentson, Laughlin, Hansey and Erickson:

Authorizing alternative procedures for payment of condemnation awards subject to benefits setoff.

The Senate resumed consideration of House Bill No. 102. The committee amendment was adopted on Wednesday, February 6, 1974.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Whetzel moved that the Senate immediately reconsider the vote by which the committee amendment was adopted.

Debate ensued.

The motion for reconsideration carried.

On motion of Senator Whetzel, the following amendment to the committee amendment was adopted:

On page 3 strike all of section 6. Renumber remaining sections consecutively.

The committee amendment, as amended, was adopted.

On motion of Senator Marsh, House Bill No. 102, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 102, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent or not voting, 3.

Voting yea: Senators Bailey, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—38.

Voting nay: Senators Atwood, Canfield, Lewis (Harry), Matson, Rasmussen, Twigg, Woodall—7.

Absent or not voting: Senators Bottiger, Dore, Metcalf—3.

HOUSE BILL NO. 102, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marsh, House Bill No. 102, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, by Committee on Local Government (originally sponsored by Representatives Blair, Paris, Douthwaite, Van Dyk, Rabel and Chatalas) (by Executive request):

Providing standards for detention and correctional facilities.

REPORT OF STANDING COMMITTEE

February 2, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, providing standards for detention and correctional facilities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, after section 5, beginning on line 28, add a new section 6 as follows:

"*NEW SECTION.* Sec. 6. Notwithstanding the provisions of section 5, within sixty days of the first meeting of the commission, the commission shall consider rules and regulations pursuant to chapter 34.04 RCW consistent with the provisions of subsections (1) through (9) of this section and the rules and regulations promulgated pursuant hereto shall be effective only until minimum standards and rules are promulgated by the commission pursuant to section 5 (2) and 7 of this 1974 act and made effective by the legislature.

Each person held in a city and or county detention or correctional facility shall be entitled to the following rights:

(1) He shall have the right to exercise his own religious beliefs. Detention or correctional authorities shall develop and implement policies and procedures that allow and facilitate the practice of religious beliefs;

(2) He shall have the right to communicate or correspond with other persons or with organizations and to send and receive letters, packages, books, periodicals and any other material that may be lawfully mailed. Detention and correctional authorities shall not limit the volume of mail to or from a person under their supervision. Detention or correctional authorities shall have the right to inspect incoming and outgoing mail for contraband in his presence, but neither incoming nor outgoing mail shall be censored. He shall receive a reasonable postage allowance, determined by his individual need;

(3) He shall have the right to communicate in person with other persons. Each detention or correctional facility shall have visiting hours weekly, with some of the visiting hours on weekends and in the evenings. Visits shall not be monitored, recorded, or supervised in an oppressive manner;

(4) He shall have the right to make a reasonable number of local and toll telephone calls each week: PROVIDED, That the person held shall pay the cost of any such toll calls;

(5) He shall have the right to subscribe or have made available to him reading material, including newspapers, accepted for distribution by the United States Post Office: PROVIDED, That he shall pay any cost of such material;

(6) He shall receive a copy of all detention or correctional facility regulations governing the rights and duties of persons held. These regulations shall be explained to him by an interpreter if he cannot understand English. The regulations shall also be posted in conspicuous places around the detention or correctional facility. Regulations governing the conduct of persons held shall be as specific and precise as possible, and shall give them actual notice of the conduct prohibited. The specific punishment for each offense shall be stated and included in the regulations;

(7) For the infractions of regulations which entail more serious punishment than a reprimand, the loss of recreation for one day, or confinement to a cell of isolation for more than one day, each person held shall be entitled to written notice of the charge, a hearing before an impartial officer or board, and a written decision by the hearing officer or board. If the police chief or sheriff is not the hearing officer or on the hearing board, the person held shall have the right to appeal the decision directly to the police chief or sheriff;

(8) The following types of punishment are hereby prohibited in all detention or correctional facilities: corporal punishment; the use of physical force by custodial officers except as necessary for self-defense or protection of another person from imminent physical attack; any deprivation of clothing, light, ventilation, heat, exercise, balanced diet, or hygienic necessities; insults and verbal abuse; and any punishment taken in retaliation for the assertion of rights;

(9) Each detention or correctional facility shall develop and implement a grievance procedure. Each person held shall be entitled to report a grievance. The grievance shall be transmitted without alteration, interference, or delay to a person or entity responsible for receiving and investigating grievances designated by the legislative authority of the governing unit responsible for the facility. Such person or entity, which may be the detention or correctional authority, shall make a written response to the alleged grievance, a copy of which shall be provided to the complainant and to the governing body of such facility."

Remember the remaining sections consecutively.

On page 5, section 7, line 25, after "through" and before "of" strike "6" and insert "7".

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Whetzel.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment to page 4, adding a new section.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator Fleming, would you yield? Number one, 'he shall have the

right to exercise his own religious beliefs,' which I am sure all of us are in favor of, but could you answer as to whether or not this includes — this might sound a little ridiculous but I want to make sure that it does not include their right to go to church on Sunday outside the detention facility? I knew Senator Woodall was going to ask that since he was not awfully excited about the 'Taking a Lifer to Dinner' program."

Senator Fleming: "No, Senator Woody, it does not indicate that."

Senator Woody: "In the postage allowance I see that each individual shall receive a reasonable postage allowance, determined by his individual need. Do you remember what the testimony was in committee as to what fiscal impact this might have and whether it be on the state or the county, number one, and what limitations this might have."

Senator Fleming: "No, I think the testimony was that, one, this would be something which the correctional institution would decide themselves. Quite naturally, when we say 'need' we are not talking about furnishing a man with two or three hundred dollars worth of stamps, but what is reasonable, if a person wanted to write and so forth."

Senator Woody: "And under subsection (3) on visiting hours which includes weekends and evenings, was there any testimony about what effect this might have on the very small county which has a very limited number of personnel?"

Senator Fleming: "No, it did not. We did not discuss that to that extent that it would have a great effect. We, the local officials — were present. They were speaking on behalf of the local elected officials and the counties and the sheriffs and so forth, and there was no objection to this language in there so evidently there was no great alarm about it."

Senator Woody: "And in subsection (5) stating that 'They shall have the right to receive and subscribe for reading material including newspapers,' the limitation I see is there is a type that is permitted to be distributed by the United States Post Office and I presume, am I correct, that that would keep them from receiving items that the post office has determined to be of a quality that is not permissible to be mailed?"

Senator Fleming: "This is true, and then there was some concern about whether the inmates could receive hard copy books or whatever it is, but these are basically those things that were covered under that United States Post Office delivery."

Senator Woody: "Under subsection (7) relating to infractions of regulations and what must occur before there is any sanction for infractions of regulations, and I notice that a hearing is required and I recall that last session we passed a bill that would take the Administrative Procedures Act out of the prison system for just this sort of thing. Did you give that any consideration?"

Senator Fleming: "No, not at the time when we were discussing this amendment, no."

Senator Woody: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Fleming yield to a question? Senator Fleming, on House Bill No. 833, who appeared before your committee to testify for this? Just social workers?"

Senator Fleming: "No. First of all, Senator Rasmussen, I can give you a history of where this bill comes from and who testified and so forth."

Senator Rasmussen: "I do not care where it came from, Senator Fleming. I am just wondering where it is going to go."

Senator Fleming: "Okay, let us put it this way. We have studied this bill for over a year and we had two or three other bills that were introduced and we worked on this. One of the biggest problems we were having at first, the local officials versus the Department of Social and Health Services versus the Governor's office all had different concerns. And we first started out with a bill that was talking about building physical structures and so forth so we did have a conflict between the local officials and the state officials. Then we came to this and the people representing the sheriffs and the county people, the prosecutors, local elected officials, law enforcement officials, you name it, testified on this bill and they had their concerns. And so we decided that we would just come up with a bill setting up a commission to report back to this legislature as to guides, standards and so forth dealing with detentions and corrections because no one has ever dealt with the idea of whether we are talking about detentions or corrections or a combination thereof.

"This amendment came about because the section that you are dealing with is setting out that the commission will do these kinds of things. Now at the present time we had some concern. You have seen articles in the paper this morning, you have seen articles in the paper week after week that something needs to be done now. If we cannot do anything with the physical standards and structures right now, then we needed something to be in effect at the present time. These rules and regulations that the Association of Washington Cities and other people have agreed to because they were a little different we amended them and cleaned them up as much as we could. It was put there to say, 'Okay, until the commission sets their standards and reports back to the legislature in December and then the legislature takes into consideration their report and comes up with some legislation dealing with these. We need something in effect now.' These were the rules and regulations governing the rights of the inmates and we made sure that by having these they would self-destruct upon the effective date of the new rules that would be set on these matters, and hopefully we mandated that the commission would at least take these rules into consideration when they were drawing up their new rules in these areas of subject matter. So the local officials did testify on this matter."

Senator Rasmussen: "Thank you, Senator Fleming."

MOTION

On motion of Senator Bailey, the Senate imposed a three-minute rule with no yields, recognition only once on an issue and the regular procedure that has been followed previously in the Senate during this session.

Further debate ensued.

The motion by Senator Fleming lost and the committee amendment to page 4 adding a new section was not adopted on a rising vote.

MOTIONS

On motion of Senator Fleming, the committee amendment to page 5, section 7, line 25 was not adopted.

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

On page 5, after section 7, insert a new section 8 as follows:

"**NEW SECTION.** Sec. 8. The provisions of this chapter shall cease to be effective and all commissions formed hereunder shall be abolished on June 30, 1975."

Re-number remaining sections consecutively.

On motion of Senator Fleming, Engrossed Substitute House Bill No. 833, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 833, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senators Guess, Twigg—2.

Absent or not voting: Senator Metcalf—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3194, by Senators Durkan, Bailey and Peterson (Ted):
Providing for increases in police and firemen's pensions.

MOTION

On motion of Senator Durkan, Senate Bill No. 3194, as amended, was re-referred to the Committee on Ways and Means.

SPECIAL ORDER OF BUSINESS

SECOND READING

HOUSE BILL NO. 1084, by Representative Moon:

Setting the maximum rate of interest permitted on time deposits of public funds.

The time having arrived, the Senate commenced consideration of House Bill No. 1084 on second reading.

Senator Mardesich moved adoption of the following amendment:

"Section 1. Section 12, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.120 are each amended to read as follows:

The public deposit protection commission shall from time to time fix the rates of interest to be paid by qualified public depositaries upon investment deposits of *one year or less maturity*: PROVIDED, That [time] *such investment* deposits issued pursuant to this chapter shall bear interest at [a] rates which would not be [in excess of] *less than* one hundred percent of the [average bill rate] *coupon equivalent yields* at the [last] *then most recent* U.S. treasury [91-day bill] market auction *for comparable maturities* or in excess of the maximum rates permitted by any applicable governmental regulation: *PROVIDED FURTHER, That the interest rate paid by a qualified public depositary upon investment deposits shall not be less than the interest rate that depositary pays upon its private savings deposit accounts. For the purposes of this section "savings deposit accounts" shall mean those accounts (1) with respect to which the depositor is not required by the deposit contract, but may at any time be required by the depositary, to give notice in writing of an intended withdrawal not less than thirty days before such withdrawal is made and (2) which are not payable on a specified date or at the expiration of a specified time after the date of deposit.*"

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President and gentlemen of the Senate, this amendment has been placed on your desks. It is the exact bill that came to the Senate Rules Committee and I believe it was even on the floor. I do not recall, but in any event it came to the Senate Rules Committee from Senator Dore's committee and deals with exactly the same subject as the House bill does. Now I am aware that Senator Dore's committee has studied this problem in depth. As a matter of fact, I attended a number of such committee meetings where this matter was considered, and I was under the impression that Senator Dore had agreed with the various segments of the industry that the bill that he moved out of committee was a proper one and was a solution to the problem. And what it does is merely accept the treasury rate but Senator Dore provided that it would require that the interest paid be not less than, not less than the amount paid for treasury equivalents. Not less than means that, of course, the interest rate can be more and then there was a proviso providing that the rate in any event should not be less than that paid to depositors in savings accounts."

POINT OF INQUIRY

Senator Mardesich: "Now I would like to address to Senator Dore a question. That question being, Senator Dore, in view of the extensive study that you did in your committee and in view of your opinion that the bill as it came out of your committee, Senate Bill No.

3007, which I am now offering as amendments, was one that you considered to be the best possible solution to the problem, is not now a proper amendment offered by me?"

Senator Dore: "Mr. President, in answer to the question, this version of the public deposit bill did not get voted out of the committee so that was amended which went into the Senate Rules Committee. I do not know if I can speak, but in answer to this question at this time, it is not the version that we voted out of the committee."

Senator Mardesich: "Do you have any argument then with it being the version which you felt should be introduced as a solution to this problem and what changes would you make to make it correspond to the bill that was voted in the committee?"

Senator Dore: "Mr. President and members of the Senate, the amendment offered was a bill, it looks like a Senate bill, in fact it is, Senate Bill No. 3007 which is a bill that I introduced that I thought would solve the situation, but this particular bill was never considered in the House. It is an entirely different approach than House Bill No. 1084, and I assume if we put the amendment on here as far as I am concerned it is a good amendment if it could possibly pass. But if it gets put on here with only two and one-half hours to go, I assume then it is an entirely new concept. The Public Deposit Commission is retained in the bill, which is eliminated, or made kind of negatively on the version we have before us, House Bill No. 1084. And that is the reason why I would oppose it at this time, because I think we would be right back to what we did two years ago when we passed it here, amended it in a little manner, and then it never was read in the House and the bill died.

"But in answer to your question, Senator, the amendment that you have is a bill that never got out of our committee, that we never adopted either this approach or the approach that is on the desks. The bill that came over from the House by a vote of ninety-four to nothing, we had a hearing on it, rather an extensive hearing of about three hours I believe it was, as a result of which Senator Clarke and myself and Senator Jones and three others joined us in signing the report. Six out of the eight signed the report. And so this is a bill that has the support, I think, of the body, because the version that you have before us, we never passed out of the committee and the House has never had before it. You must remember the version we have before us was in the House Rules Committee, never went to committee before during this session, came directly to the floor and was passed. So if you put such a comprehensive change on this bill, of course, of necessity the chairman of the committee in the House will want to rerefer it to committee and I doubt seriously in two and one-half hours he can have a meeting and report it out into Rules and get it back to the floor."

Further debate ensued.

MOTION

On motion of Senator Greive, the Senate dispensed with the three-minute rule during debate on House Bill No. 1084.

POINT OF INQUIRY

Senator Francis: "Will Senator Mardesich yield to a question? Senator Mardesich, I have three questions. One, what is the purpose of your amendment? Number two, what does it do? And number three, how does that differ from what House Bill No. 1084 does?"

Senator Mardesich: "First of all, and I will address myself to the questions later and perhaps answer them in the course of my discussion. First of all I would like to disavow an implied personal interest in this bill that was made by 'Senator' Scates in the morning Daily. He pointed out that it might be of interest to note that I was a borrower at the bank to the tune of somewhere between one hundred and one hundred and fifty thousand, I am told. I did not read the article, but I was told that. I would like to point out to 'Senator' Scates that you go back to 1951 when I was a member of this legislature for a little over a year and I was into the banks, along with my partnership in the fishing business, at that time in excess of a million dollars and those were the days when a buck was a real buck, 'Senator' Scates, and was probably worth three million now, and the one hundred or one hundred and

fifty, I assure you, is backed by damned good collateral. So the banks are in no position to place any undue pressure on me with respect to this matter.

"The fact is that I have had a number of calls from the small banks. They are concerned. They are concerned that this will have the effect of driving the money out of this state. They are concerned that it will have the effect of one or two big banks being able to come in and grab it all, and withdraw from their banks all the public deposits that are there. They are afraid that the public treasurer, these various bodies, will be required almost under a compulsion, to put the money out at the highest rate, no matter to whom that money goes. As a consequence, this money will be taken out of the local market where the banks need it, they say, to develop business on a local level, to lend out for homes, to lend out to the local businesses and keep the activity going in the state, the type of business activity which they feel would result in an equal amount of income to the state in terms of the increased business activity and the additional money that comes into the state through sales tax and so on by virtue of added business activity. I am inclined to agree with them. As a matter of fact, I was the one who put on the first, the law that this bill now attempts to amend, back a few years requiring them to come up at least to the ninety day treasury rate. And further, before it slips my mind, Senator Dore, I can assure you and I think you probably recognize that Representative Sawyer and I are well acquainted with each other and if I ask him to do something for me that he is inclined to go along with it. I assure you that is the fact, and that I will request of the Speaker that he direct the attention of the House to this matter immediately, either pass the amendment or reject it, and in either event the matter will still be before us, because it will then be, if they reject it, a matter of difference before the House. If they accept it, it will be the law, so the bill as a matter will not be dead as you imply.

"With respect then to the rest of the problem, Senator Francis, I think that we would have to address ourselves to that concern of the small banks. I have been trying to figure out a way and none of the people I have spoken to have been able to come up with an answer. How do you protect these banks? How do you maintain some of that local money out in Twisp or wherever, where it is needed to develop some of the current business activity, some of the money that is available for housing, and all those things on a local level to help those banks? I have not been able to come up with an answer. I thought we might be able to use a little bait, a hundred thousand or two hundred that the banks might be able to bid in at the ninety day rate. And I have been told that is unconstitutional. If you had to do it, you had to do it for all. And then if you had an offering of a million dollars for deposit, what would you do? Allow one bank to bid on the first hundred thousand or whatever amount they are short of the limitation, and let somebody else bid the balance? I was unable to get any answers. So I offered this as one possible solution, this amendment. This bill which Senator Dore apparently thought was the answer to the question or the problem at one time and now rejects. And that is the reason I have offered it. The difference is that under the House Bill that is now before us there is no limitation. And any bank, state, out-of-state, Bank of Tokyo, so on, could come in and bid it, all of it. There is no prohibition against that in this bill now. And who is to say? I think we all recognize that overseas interest rates are higher than ours almost without exception. And who is to say that those banks do not come in and bid on this and take it all out of state? And that is the fear that I have. I think that money is better working here in our local communities than elsewhere overseas. As a matter of fact, I have even proposed in the past that all public depositories should be required to be made within the United States area. I think that retaining the money for investment locally is more important than the couple of million dollars we might pick up otherwise. This bill by contradistinction says that the rate shall be no less than the treasury rate and that is the guarantee that we will receive — what is at least the highest rate of return in the public money market. That is your short term treasury notes. And that is the biggest single determiner of public interest — what the U.S. Treasury pays for money on a ninety day basis. That is what this bill as amended would do. And in addition, it has a proviso that says no matter what that treasury rate is, in case interest rates should drop rapidly, that the least amount that would be paid to the state would be an amount equal to what they pay private savings depositors for the savings accounts."

Senator Francis: "What is the current rate?"

Senator Mardesich: "I think it is about four and three-quarters now. I am not sure. Maybe it is four and one-half. I do not know what private savings deposits are. But at least that sets the floor beneath which it cannot go. They would not be able to pay to us as a state or to the public county treasurer or any other such body less than they are paying to the public depositor for savings accounts. That is the minimum. And the maximum then is free to go at not less than the treasury rate, and in most cases the treasury rate for ninety day notes will be higher than the amounts paid on local deposits in savings accounts. And I thought it was a pretty good compromise. But then they got into a big hassle about whether it should be less than, more than, or what it should be. This bill with the amendment provides it shall be not less than. And in my opinion it would be a better answer than just putting the money out there and letting it go wherever the interest rates are higher. So I have offered this as an amendment."

Senator Francis: "I think my three questions – what is the purpose of the amendment? I think Senator Mardesich explained that. What does it do? He assumed that we understand one thing which I take it is that this interest rate will be controlled by the Public Deposit Protection Commission which I take is in existence now, and that it will be fixing these rates and as Senator Mardesich said, no lower than the rate of U.S. Treasury ninety day notes which is what this means when it says 'private savings deposit accounts' which are defined, well it goes into a detailed definition, and how it differs from the House bill is that House Bill No. 1084 is not limited. Overseas interest rates could attract everything away from the state of Washington. I still have some questions in my mind, but I see that we have to decide on this thing. Since Senator Mardesich has made a commitment on the record to do everything in his power to keep this thing alive if the House does not accept the amendment, I think that I will support this effort. It looks to be a way of getting at a problem effectively."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Although we were discussing other matters, while I was there with the Speaker I asked him would he assure me that this bill would come before the House for consideration were it amended. He has assured me that it would."

Senator Dore demanded a roll call and the demand was sustained by Senators Knoblauch, Washington, Durkan, Mardesich, Stortini, Day, Bailey, Woody and von Reichbauer.

ROLL CALL

The Secretary called the roll and the amendment by Senator Mardesich failed by the following vote: Yeas, 6; nays, 39; absent or not voting, 3.

Voting yea: Senators Bottiger, Grant, Lewis (Harry), Mardesich, Matson, von Reichbauer-6.

Voting nay: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Greive, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-39.

Absent or not voting: Senators Henry, Lewis (R. H. "Bob"), Van Hollebeke-3.

Senator Mardesich moved adoption of the following amendment:

On page 1, section 1, line 14, after "regulation." add "*No qualified public depository shall sell, assign or transfer any investment deposit to any state bank, trust company, national banking association or other financial institution which is not a qualified public depository as defined in this chapter unless such sale, assignment or transfer is required by law or any applicable governmental regulation.*"

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, this is simply one that does not affect the question

of what the interest rate should be. The bill as it now stands would regulate the industry and this merely addresses itself to the question of whether these moneys would leave the state. I still feel we would be better off to have that money working in this state than out and I again assure you that I will prevail upon the House to consider this matter. It may be considered at any time up until we adjourn."

POINT OF INQUIRY

Senator Fleming: "Would Senator Mardesich yield? Senator Mardesich, before I vote on this amendment, I have some concern. Some of our members on this floor have been alluding to the fact that we are in the midnight hour and if you amend the bill today, this is the last day of the session and we will not be able to do anything with that bill. Now I would like to know, before I vote on one of these amendments, you were talking to Speaker Sawyer, do you know something that the rest of us do not know, that we are not going to have a difference between the two houses and that we are adjourning today rather than this weekend or next week?"

Senator Mardesich: "Mr. President, if I might respond. Any amendment to the bill is a difference between the houses and that would keep the issue before us until such time as we adjourn under our concurrent resolution. The matter would be before us and the Speaker has assured me that the House will address itself to this question on the floor on a vote, either accept or reject."

Senator Fleming: "Further question. I cannot recall that resolution, but it has something to do with somewhere between twenty-eight and thirty days or something of that nature."

Senator Mardesich: "If we were to adjourn today, then possibly Senator Dore's contention would be correct. If we did happen to adjourn today, I assure you that they would have all of our scalps hanging on the wall."

Senator Fleming: "You did have the information that we would probably act on some portion of the budget before we leave?"

Senator Mardesich: "Of course, the House still has to pass the budget. I do not see how as a practical matter we could possibly under any circumstance finish tomorrow as has been suggested. It is difficult for me to even envision how we are going to get out of here Saturday. It is more likely that we will be in until the first of the week. If we can do it sooner, then so be it. The sooner we can do it, the better off we are, I think, in doing so, but certainly we cannot finish up and leave here within the next two days — no sooner than the next two days."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, following Senator Mardesich's comments I want to point out to Senator Fleming that these are matters between the houses, but they could well become conference matters and there are some of these bills I would like very much not to hand to three people of each house and throw into conference. We do not know what they are going to look like when they come back and that, therefore, is one of the reasons I am now voting against most of the amendments to these bills."

Further debate ensued.

POINT OF INQUIRY

Senator Francis: "Mr. President, members of the Senate, Senator Mardesich, on the last amendment I talked to Senator Dore and others after you spoke on the floor and I got a lot of confusing numbers but they were all higher than the one you gave me of four point seventy five and I realize that it would take hours to really understand the effect of that amendment. Now that amendment was defeated and under the salutary principle of fire and fall back you have got this one. I hope you do not have any more after this one. What you say it does, again I am sure that in the process it does that but I can see a lot of other possibilities too where they cannot assign, sell or transfer any deposits to any nonqualified

institutions. Within banking circles is that unduly restrictive? What kinds of problems does it give, and so forth? It just seems to me that it brings up all kinds of questions and may not really be effective of what you are trying to accomplish. I think this is another one, frankly after I said I thought I would vote with you on the last one I did not and I am going to have to vote against this one and I hope you do not put any more of them up."

Senator Mardesich: "I would only answer in this way. If this amendment should be accepted, and I still think there is good reason why it should be, and if the House in its wisdom chooses not to accept it after the time to debate it tomorrow or the next day, whatever time they desire to take it up, then I for one would be the first to prove that I am not out to kill this bill by acceding to the House's position. However, it seems to me that it is simply a wise move to keep that money here. If the House refuses to concur in that situation or face the other problems with this amendment, I repeat again I would be more than happy to accede to the House's position. With that background, with my position made clear, I see nothing wrong with accepting this. Senator Dore says that the banks can get together and decide not to bid and if they do that a few of them will go to the penitentiary and I do not think the bankers want to go to the penitentiary. He says they are going to commit illegal acts. If he is going to use the approach that you are going to commit illegal acts, then there is no sense passing any law. So when he says that, he is talking through his left ear."

MOTIONS

On motion of Senator Woodall, the amendment by Senator Mardesich was laid upon the table.

On motion of Senator Dore, House Bill No. 1084 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1084, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Atwood, Lewis (R. H. "Bob")—2.

HOUSE BILL NO. 1084, having received the constitutional 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 Woodall, House Bill No. 1084 was ordered immediately transmitted to the House.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, by Committee on Commerce (originally sponsored by Representatives Jastad, Bagnariol, Wojahn, McCormick, Savage, Kalich, Thompson, Anderson, Ceccarelli and Gaines):

Authorizing card rooms, pinball machines, punch cards, and pull tabs.

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 473 on second reading.

Senators Mardesich, Bailey and Greive demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

On motion of Senator Henry, the Senate proceeded under the Call of the Senate.

REPORT OF STANDING COMMITTEE

February 6, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, authorizing card rooms, pinball machines, punch cards, and pull tabs (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 15, line 31, section 4, after "games be" strike all remaining material in the subsection and insert "*recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof.*"

On page 19, line 14, section 6, after "county" strike all material down through and including "issued" on line 21.

On page 21, line 21, section 8, after "or" and before "as" insert "out" and on line 22, after "receipts" add "*less the amount paid for or out as prizes*".

On page 23, line 5 strike all of section 11 and renumber the remaining sections accordingly.

Signed by: Senators Woody, Vice Chairman; Atwood, Bottiger, Clarke, Marsh, Van Hollebeke, Woodall.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment to page 15, line 31, section 4 was adopted.

Senator Francis moved adoption of the committee amendment to page 19, line 14, section 6.

Debate ensued.

The motion by Senator Francis lost and the amendment was not adopted.

Senator Francis moved adoption of the committee amendment to page 21, line 21, section 8.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Day moved that the Senate immediately reconsider the vote by which the committee amendment to page 19, line 14, section 6 was not adopted.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Mardesich: "The motion by Senator Day is for reconsideration as to the vote for local option and a vote 'aye' would be to reopen the question of local option and a vote 'nay' would be to let the issue remain where it is and providing that there be no local option. Am I correct in that interpretation?"

REPLY BY THE PRESIDENT

The President: "The President believes your remarks are essentially correct, Senator Mardesich. This is the amendment, 'On page 19, line 14, section 6, after "county", strike all materials down through and including "issued" on line 21.' "

PARLIAMENTARY INQUIRY

Senator Mardesich: "Therefore, Mr. President, the effect of an 'aye' vote would be to reopen the question in favor of state control rather than local option. A vote 'no' would be to retain the bill where it is for local option?"

REPLY BY THE PRESIDENT

The President: "A vote 'aye' will open the question up for the decision of the Senate. A vote 'no' will keep the situation exactly as it is now."

The motion for reconsideration by Senator Day carried on a rising vote.

The President declared the question before the Senate to be adoption of the committee amendment to page 19, line 14, section 6 on reconsideration.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I am not going to prolong this. Anyway, I want to point out something that happened last April in the middle of the night, as they said in the paper, when we passed the original gambling bill. The record will show that I asked the question that we had not had a chance to read that bill and was local option in it? I was assured, yes, local option was there. Look at the record and you will find out that local option was taken out later in the evening. I said at that time I would not vote for that gambling bill under those circumstances late at night unless I was sure it was there and provisions of the bill could be re-reviewed by local authorities. Now the argument of Senator Greive is not a good argument, nor is Senator Van Hollebeke's a good argument. The people might have voted on this issue and they might want state-wide laws, but what have we done? We have given it to counties and cities of the first class only. I contend that we should leave local option in, that we should then adopt an amendment that Senator Sellar has and put the small cities and towns back and give them some say as to what happens inside their borders. I am not talking about gambling or not gambling, I am talking about the right to say, 'We do not want a particular activity in our town because we haven't got the way to enforce it,' or something of that sort. I do not care if I go down to defeat. I want to be on record as favoring local control and local option and the right of the local cities to determine what they want, and if the people want something, the local officials are going to respond."

Further debate ensued.

POINT OF INQUIRY

Senator Talley: "Will Senator Bailey yield to a question? If I understand this right now, this will extend local option to cities of all classes. Is that correct?"

Senator Bailey: "If we adopt Senator Sellar's amendment, yes. If we maintain the local option that we adopted by voice vote awhile ago and then will adopt Senator Sellar's amendment, every incorporated city and county would be able to make their own rules. As it is now, only the counties and cities of the first class can do this. The counties impose their rule on all incorporated cities except first class. There is a problem of code cities which have been ruled not to be able to make their own rules even if they are cities of the first class."

PARLIAMENTARY INQUIRY

Senator Sellar: "The amendment that Senator Bailey speaks to is in the same section. Should my amendment be considered first, prior to this one, because it would be precluded if this amendment passed?"

POINT OF ORDER

Senator Greive: "I would suggest that that would have been in order had it been made in order but that time is past. We are now reconsidering an amendment."

RULING BY THE PRESIDENT

The President: "The President believes Senator Greive's remarks are well taken, Senator Sellar."

Senator Henry demanded a roll call and the demand was sustained by Senators Bottiger, Bailey, Herr, Metcalf, Francis, Fleming, Walgren, Greive and Connor.

PARLIAMENTARY INQUIRY

Senator Mardesich: "While the President is pondering that question, would he set that aside for a moment and consider whether this measure would fall within the allowance for consideration of bills beyond the deadline at five p.m. today by virtue of its having to do with the question of revenues? It does impose a tax and regulate the extent and authority of the tax."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Maybe Senator Mardesich would permit me to suggest that if we made it an order of business at four fifty-five then would not the bill be under consideration and could properly be disposed of within the rule?"

REPLY BY THE PRESIDENT

The President: "The President will state that what you say is unequivocally correct, Senator, but the President was just pondering the point as to whether even though — in other words, I am trying to say that the bill is under consideration if, for instance, we are considering another bill at four fifty-five or even after five we would have to finish completion of that bill unless the Senate wished otherwise. The President believes this will be alive after five o'clock today but only today, as a special order of business. This bill is under consideration right now and this is, I am sure every member will understand, this is a highly technical point. I want to be correct. Therefore, I feel if I delay the proceedings that I should permit consideration of it after five p.m., but only after the bill under consideration at five is completed. This will be the only other bill."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I would like to move that this be a special order of business at four fifty-five, that the bill be considered under consideration as of this time and we proceed with the calendar until you can make a ruling on that, and set it for four fifty-five."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, would Senator Bailey accept an amendment so that the bill under consideration at four fifty-five be completed and then this bill be put."

REMARKS BY SENATOR GREIVE

Senator Greive: "Just to understand, what you are saying then in effect is that the bill is presently before us and therefore it can be considered after five o'clock. Isn't that right?"

REPLY BY THE PRESIDENT

The President: "Yes, sir."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I want to make it clear I am in favor of this bill

generally. I am not trying to kill it, but I wanted to be sure that we do not kill it by an accidental postponement and I think we should proceed with the calendar and try to clean up some of the other bills while you are making that decision."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, speaking to the motion by Senator Bailey, I rather question, Mr. President, setting this precedent because I can well see the situation where we can get into every Senator putting his bill up and getting it on consideration and saying because we are under consideration we then can go beyond the cutoff time. Now it is a well-known fact that many, many times as a means of delaying bills that are not appealing to us that we will debate a bill beyond the cutoff time and cut off all the other bills. I would rather see the President go to the point of saying that it is a revenue and appropriation measure and let it be considered on another day rather than to set this precedent of setting all bills, we start action on them and then carry them beyond the cutoff time. So I would urge the President to consider that. I would object to any other measure."

REPLY BY THE PRESIDENT

The President: "Senator Rasmussen, the President has your thoughts in mind and for that reason mentioned this would be the only bill and the reason for the delay is the President's hesitancy in giving an explanation now without thoroughly briefing the bill."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I would withdraw my amendment to Senator Bailey's so it would erase any possibility of confusion and then whatever bill, at four fifty-five we would take this measure up again and whatever happened to be then on the calendar would die."

REPLY BY THE PRESIDENT

The President: "Very well."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I cannot agree with Senator Rasmussen when he said he would like to hear the President say it was a revenue measure because the President cannot say that unless he judiciously determines it is, because that would certainly invite a court challenge to the constitutionality of the whole thing if he merely called it a revenue measure and he did not carefully research it and it was not in fact. I think the four fifty-five method is by far the safer one."

REPLY BY THE PRESIDENT

The President: "Thank you, Senator Woodall. The President did examine the bill for that possibility, but you are absolutely correct. It could not be designated as a revenue bill.

"If there are no objections, the measure is a special order of business at four fifty-five."

The motion by Senator Bailey carried and Engrossed Substitute House Bill No. 473, together with the committee amendments, the motion by Senator Day to reconsider the vote by which the committee amendment to page 19, line 14, section 6 was not adopted, was made a special order of business for 4:55 p.m. today.

MOTION

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

SECOND READING

SENATE BILL NO: 3243, by Senators Grant, Washington and Murray:
Providing for public disclosure by public officials.

PARLIAMENTARY INQUIRY

Senator Grant: "Mr. President, I would like to inquire whether it would be your ruling that Senate Bill No. 3243 could be considered after the five o'clock cutoff date? It is regarding a change in the Public Disclosure Act."

REPLY BY THE PRESIDENT

The President: "The President feels that falls within the purview of legislative reform, Senator Grant."

MOTION

On motion of Senator Grant, Senate Bill No. 3243 was ordered to hold its place on the second reading calendar for Friday, February 8, 1974.

SPECIAL ORDER OF BUSINESS

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 383, by Committee on Local Government (originally sponsored by Representatives Van Dyk, Douthwaite and Charnley):
Providing standards for approval of plats and subdivisions.

The time having arrived, the Senate commenced consideration of Second Substitute House Bill No. 383.

REPORT OF STANDING COMMITTEE

February 5, 1974.

SECOND SUBSTITUTE HOUSE BILL NO. 383, providing standards for approval of plats and subdivisions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 25, section 2, subsection (4), after "*than*" and before "*subsection*" insert "*this*".

Signed by: Senators Fleming, Chairman; Connor, Lewis (R. H. "Bob"), Murray, Ridder, Whetzel.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment was adopted.

On motion of Senator Woody, the following amendments were adopted:

On page 2, beginning on line 6, strike "none of which are smaller" and insert "[none of which are smaller] *larger*".

On page 2, line 8, strike "*smaller than*".

On page 2, section 2, beginning on line 21 strike all of subsection (4).

Renumber remaining subsections consecutively.

On page 4, section 5, line 18, strike "*environmental corridors*," and on lines 24 and 25 strike "*environmental corridors*".

On page 4, section 5, lines 32 and 33, strike "*or fees paid in lieu thereof*".

On page 6, section 9, beginning with "*In*" on line 29, strike all the matter down through and including "*action*." on page 7, line 5.

On page 7, section 10, lines 15 and 16, strike "[The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.] The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice."

On motion of Senator Fleming, Second Substitute House Bill No. 383, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 383, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Voting nay: Senators Murray, Odegaard, Sellar, Van Hollebeke—4.

Absent or not voting: Senator Bottiger—1.

SECOND SUBSTITUTE HOUSE BILL NO. 383, as amended by the Senate, having received the constitutional 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 Woody, Second Substitute House Bill No. 383, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268, by Committee on Ways and Means — Revenue (originally sponsored by Representatives Randall, Hoggins, Ehlers, Luders and Curtis):

Exempting school districts from having to contract for services from fire protection districts.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 1268. On Wednesday, February 6, 1974, on motion by Senator Bottiger, the Senate moved to reconsider the vote by which the amendments by Senator Odegaard to page 2, lines 10 and 11 were adopted.

There being no objection, Senator Odegaard withdrew the amendments to page 2, lines 10 and 11.

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

On page 2, line 11, after "1975" insert "*payable July 1, 1975*".

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 1268, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1268, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senator Durkan—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268, as amended by the Senate, having received the constitutional majority, 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. 393, by Representatives Bagnariol, Gaspard and Ceccarelli (by Department of General Administration request):

Providing for a corporation to sue or be sued in its corporate name.

The bill was read the second time by sections.

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

On page 3, line 29 after "banks." add a new section as follows:

"Sec. 3. Section 9, chapter 172, Laws of 1923, as last amended by section 4, chapter 19, Laws of 1941 and RCW 31.04.100 are each amended to read as follows:

No corporation under the provisions of this chapter shall:

(1) Make any loan, on the security of makers, comakers, endorsers, sureties or guarantors, [for a longer period than two years from the date thereof] *which provides for a repayment period exceeding 36 months and 15 days.*

(2) Hold at any one time the primary obligation, or obligations of any person, firm or corporation, for more than two percent of the amount of the paid-up capital and surplus of such industrial loan company.

(3) Hold at any one time the obligation or obligations of persons, firms, or corporations purchased from any person, firm or corporation in excess of twenty percent of the aggregate paid-up capital and surplus of such industrial loan company.

(4) Make any loans secured by chattel mortgage [for a longer period than two years from the date thereof] *which provides for a repayment period exceeding 36 months and 15 days.*

(5) Make any loan or discount on the security of its own capital stock, or be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within ninety days from the time of its purchase or acquisition.

(6) Invest any of its funds, otherwise than as herein authorized except in such investments as are by law legal investments for commercial banks.

(7) Make any loan or discount, nor shall any officer or employer thereof on behalf of such corporation, make any loan or discount directly or indirectly to any director, officer, or employee of such corporation.

(8) Have outstanding at any time its promissory notes or other evidences of debt in an aggregate sum in excess of three times the aggregate of its paid-up capital and surplus, exclusive of investment certificates hypothecated with the corporation issuing them.

(9) Exact a surrender charge on investment certificates issued by the corporation.

(10) Deposit any of its funds with any other moneyed corporation unless such corporation has been designated as such depository by a vote of the majority of the directors or the executive committee exclusive of any director who is an officer, director or trustee of the depository so designated.

(11) Make any loan or discount secured by real estate for an amount in excess of seventy-five percent of the value of such real estate and improvements, including all prior liens against the same.

(12) Have outstanding at any time investment certificates issued in the name of any one person, firm or corporation for an amount in excess of two and one-half percent of its paid up capital and surplus.

(13) Pledge or hypothecate any of its securities to any creditor except that it may borrow and rediscount an amount not to exceed in the aggregate three times the amount of the paid-up capital and surplus thereof, and may pledge as security for amounts borrowed assets of the corporation not exceeding one and one-half times the amount borrowed and may pledge as security for amounts rediscounted assets of the corporation not exceeding one-half the amount rediscounted."

Senator Matson moved adoption of the following amendment:

On page 2, section 2, line 17 after "less" and before the colon insert:

"for contracts which provide for a repayment period not exceeding 24 months and 15 days, and at a rate of nine percent per annum, or less for contracts for a repayment period exceeding 24 months and 15 days."

POINT OF INQUIRY

Senator Greive: "Would Senator Matson yield? Senator, would you tell me now, with your amendment, precisely what we have done?"

Senator Matson: "It is my understanding, Senator Greive, that what we have done is to increase by the first amendment the time for repayment of industrial loans from two years to three years and fifteen days. The second amendment would reduce the interest from ten percent to nine to cover that period between two years and three years and fifteen days. If we do not do that, then in effect we are going to increase the rates because of the longer period of time. I think it is necessary to understand that we are talking about people here who cannot qualify for commercial bank loans. They are consumers who are borrowing money to buy automobiles, refrigerators, and so forth."

POINT OF INQUIRY

Senator Dore: "Senator Matson asked me about this amendment before. I read it carefully. I think it is all right. I tried to get ahold of Mr. Hart, the supervisor, in his office. He was not there, but I just would like to ask one question, Senator Matson, for the record. When you extended the length of time of the payback, does it come to the same rate of interest over-all?"

Senator Matson: "Yes, that is the purpose of it."

Senator Dore: "I have no objection to it, Mr. President."

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

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

On line 5 of the title, strike the period and insert:

"; and amending section 9, chapter 172, Laws of 1923, as last amended by section 4, chapter 19, Laws of 1941 and RCW 31.04.100."

On motion of Senator Matson, Engrossed House Bill No. 393, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 393, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Voting nay: Senators Bottiger, Greive-2.

ENGROSSED HOUSE BILL NO. 393, as amended by the Senate, having received the constitutional 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 Woodall, Engrossed House Bill No. 393, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED HOUSE BILL NO. 474, by Representatives Smith, Bluechel, Sommers, Bausch, King, Ehlers, Zimmerman, Bauer, Blair and Gaspard:

Allowing state, city, and county employees to engage in certain political activities.

REPORT OF STANDING COMMITTEE

February 1, 1974.

ENGROSSED HOUSE BILL NO. 474, allowing state, city and county employees to engage in certain political activities (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, beginning on line 7, strike the remainder of the bill and insert the following:

"(1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: *PROVIDED, HOWEVER, That officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations.* No [person] *elected official or employee of the state or a political subdivision thereof* shall solicit on state property or property of a political subdivision of this state any contribution to be used for [partisan,] political purposes.

(2) *Employees of the state or any political subdivision thereof* shall have the right to vote and to express their opinions on all political subjects and candidates [, but shall not] *and to hold any political party office or participate in the management of a partisan, political campaign.* Nothing in this section shall prohibit [a classified] *an employee of the state or any political subdivision thereof* from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) [Nothing in this section shall prohibit appointment, nomination or election to] *A classified civil service employee shall not hold a part time public office in a political subdivision of the state when the holding of such office is [not] incompatible with, [nor] or substantially interferes with, the discharge of official duties in state employment.*

(4) For persons employed in state agencies *or agencies of any political subdivision of the state* the operation of which is financed in total or [in part] *primarily* by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States civil service commission.

(5) *The provisions of this section shall supersede all statutes, charter provisions, ordinances, resolutions, regulations, and requirements promulgated by the state or any subdivision thereof, including any provision of any county charter, insofar as they may be in conflict with the provisions of this section.*"

On page 1, in line 1 of the title, after "employees;" and before "amending" insert "and".

On page 1, in line 2 of the title, after "41.06.250" strike everything down to the period in line 3.

Signed by: Senators Grant, Chairman; Metcalf, von Reichbauer, Washington.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendment was adopted.

On motion of Senator Grant, the committee amendment to the title was adopted.

On motion of Senator Grant, Engrossed House Bill No. 474, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Will Senator Grant yield? Senator Grant, I was concerned in the discussion this morning that we had on whether or not this bill would permit officers of

employee associations from soliciting dues or contributions from members of their association while they are on the job. Will you make a statement on that?"

Senator Grant: "Senator Guess, the language still says, if you will read further, in the next sentence, Senator Guess, beginning on line 10, 'No elected official or employee of the state or a political subdivision thereof shall solicit on state property or political subdivision property for contributions for political purposes.' So that if you have a union or an association that has as members public employees, they are able to go to the public place and solicit their dues from among their members, not from new people but from among their members. I think you can see that."

Senator Guess: "Senator Grant, you used the word that has come in here foreign to what we have been talking about. You use the word 'dues' now. The bill does not have anything to do with dues. Are you now saying that they could use dues for political purposes?"

Senator Grant: "There is no prohibition in any state law that I am aware of now that prohibits the use of dues for political contributions, or association fees or any contributions. There is nothing to prohibit that now."

Senator Guess: "The question that I started out to ask was, and you have answered it, that they cannot solicit contributions on state lands and the property of a political subdivision. May they solicit contributions from them at home?"

Senator Grant: "Certainly. They can do that now."

Senator Guess: "All right. That is the other question. Have they been prohibited in the past from doing that?"

Senator Grant: "No, they have not."

Senator Guess: "In other words, this bill does not change that situation?"

Senator Grant: "No, Senator Guess, it does not."

Senator Guess: "Then I think that answers my question. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 474, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent or not voting, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Marsh, Newschwander, Odegard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—29.

Voting nay: Senators Atwood, Canfield, Clarke, Donohue, Greive, Guess, Jones, Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—18.

Absent or not voting: Senator Mardesich—1.

ENGROSSED HOUSE BILL NO. 474, as amended by the Senate, having received the constitutional majority, 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. 541, by Judiciary Committee (originally sponsored by Representatives Eikenberry, Knowles, Gaspard, Smith, Polk, Swayze, Luders, May, North (Lois), Chatalas, Julin and Pullen):

Providing for injunctions affecting construction contracts.

The bill was read the second time by sections.

Senator Whetzel moved adoption of the following amendment by Senators Whetzel and Francis:

On page 1, section 1, beginning on line 15, strike all of subsections (2) and (3).

Debate ensued.

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

REMARKS BY SENATOR WHETZEL

Senator Whetzel: "When the state Supreme Court is called upon to rule on the vague language in subsections (2) and (3) when an injunction proceeding goes to appeal to the Supreme Court to interpret that language, don't say I didn't tell you so."

On motion of Senator Guess, Substitute House Bill No. 541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 541, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent or not voting, 5.

Voting yea: Senators Atwood, Bailey, Bottiger, Clarke, Connor, Day, Donohue, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Woodall, Woody—32.

Voting nay: Senators Canfield, Fleming, Francis, Grant, Greive, Marsh, Murray, Ridder, von Reichbauer, Washington, Whetzel—11.

Absent or not voting: Senators Dore, Durkan, Lewis (Harry), Sandison, Wanamaker—5.

SUBSTITUTE HOUSE BILL NO. 541, having received the constitutional 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 Guess, Substitute House Bill No. 541 was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED HOUSE BILL NO. 556, by Representatives Maxie, Rabel and King:

Providing for student participation in community college tenure process.

The bill was read the second time by sections.

On motion of Senator Sandison, Engrossed House Bill No. 556, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Sandison yield to a question? Senator Sandison, I presume this could be the case where the student would be the deciding vote in a tenure case. He probably is in the institution for a very short period of time, yet his vote would be of lasting effect. What is the real purpose of it?"

Senator Sandison: "As I understand, speaking to the author of this bill, the students feel they have a real investment in there. They did not want to control the tenure committee, but there is a good deal of student dissatisfaction with the whole tenure procedure and they wanted to be in a position to at least comment from the input they received from the rest of the students on the effectiveness of this particular faculty member."

Senator Rasmussen: "I would prefer that they have their input after they are affected by tenure rather than before, Senator."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 556, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Clarke, Connor, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe,

Knoblauch, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Whetzel, Woody—35.

Voting nay: Senators Canfield, Day, Lewis (R. H. "Bob"), Mardesich, Rasmussen, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Woodall—12.

Absent or not voting: Senator Lewis (Harry)—1.

ENGROSSED HOUSE BILL NO. 556, having received the constitutional majority, 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. 767, by Representatives Polk and Parker:

Eliminating seniority as a basis for promotion in the state military.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Engrossed House Bill No. 767 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 767, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2.

Voting. yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—46.

Absent or not voting: Senators Lewis (Harry), Woodall—2.

ENGROSSED HOUSE BILL NO. 767, having received the constitutional majority, 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. 816, by Representatives Hansen, Ellis, Moon, Clemente and Tilly:

Requiring trains to show oscillating lights.

REPORT OF STANDING COMMITTEE

February 5, 1974.

ENGROSSED HOUSE BILL NO. 816, requiring trains to show oscillating lights (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 3, section 1, after "*The*" strike "*lead unit of every engine-consist*" and insert "*at least one unit of the leading engine-consist*".

On page 2, line 4, section 1, after "*January,*" and before "*with*" strike "*1976*" and insert "*1977*".

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Keefe, Knoblauch, Peterson (Lowell), Sellar, Washington.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendments were adopted.

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

On page 2, section 2, lines 10 through 22, strike all of section 2.

Debate ensued.

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

On motion of Senator Washington, Engrossed House Bill No. 816, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 816, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—45.

Voting nay: Senators Whetzel, Woodall—2.

Absent or not voting: Senator Fleming—1.

ENGROSSED HOUSE BILL NO. 816, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, by Committee on Commerce (originally sponsored by Representatives Jastad, Bagnariol, Wojahn, McCormick, Savage, Kalich, Thompson, Anderson, Ceccarelli and Gaines):

Authorizing card rooms, pinball machines, punch cards, and pull tabs.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 473. Previously today, the committee amendment to page 15, line 31, section 4 was adopted. The committee amendment to page 19, line 14, section 6 was not adopted. On motion of Senator Day, the Senate moved to reconsider the vote by which that amendment was not adopted. Senator Henry had demanded a roll call and the demand had been sustained.

The President declared the question before the Senate to be the roll call on adoption, on reconsideration, of the committee amendment to page 19, line 14, section 6.

RULING BY THE PRESIDENT

The President: "The President, in response to the inquiries pertaining to the vote on the pending motion to adopt the second committee amendment, has the understanding that the existing language commencing on line 14, page 19 of the measure, gives to first class cities or counties containing first class cities certain powers to veto the validity of a state-issued license.

"The amendment, if adopted, would remove this special local veto power and leave complete regulatory licensing functions at the state level. Therefore, a 'yea' vote would remove the local veto authority of the specified areas and a 'nay' vote would leave the local veto authority as now contained in the bill. The President hopes that he has not confused you more."

REMARKS BY SENATOR BAILEY

Senator Bailey: "A 'yea' vote would sustain the committee for state option and a 'nay' vote would sustain my stand and be for local option."

REPLY BY THE PRESIDENT

The President: "The President believes that your remarks are correct, Senator Bailey."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I would dislike calling the Call of the Senate. If members would show up and vote, I would reserve the right to call for a Call of the Senate anytime which I would want everyone to understand. If they would all come out of the woods, we could avoid that."

ROLL CALL

The Secretary called the roll and the committee amendment to page 19, line 14, section 6, on reconsideration, was not adopted by the following vote: Yeas, 23; nays, 25.

Voting yea: Senators Atwood, Canfield, Connor, Day, Fleming, Francis, Grant, Greive, Henry, Herr, Keefe, Knoblauch, Lewis (Harry), Mardesich, Newschwander, Peterson (Ted), Rasmussen, Ridder, Stortini, Twigg, Van Hollebeke, Woodall, Woody—23.

Voting nay: Senators Bailey, Bottiger, Clarke, Donohue, Dore, Durkan, Guess, Jolly, Jones, Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel—25.

There being no objection, Senator Rasmussen was excused.

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, there was an amendment by Senator Sellar that had never been acted on. I do not know the status. Do you have some more amendments, Senator? Point of inquiry then. Should we act on the amendment relating to this section, or does the committee amendment proceed first? I care not, but I just wondered."

REPLY BY THE PRESIDENT

The President: "The ever thoughtful Secretary has taken the large number of amendments that have been presented and put them in chronological order on the yellow sheets in the belief that this would be the easiest to understand and the best procedure."

Senator Canfield moved adoption of the following amendment:

On page 3, section 1, line 14, after "town" and before the period insert "*PROVIDED, That participants in amusement games as defined and regulated shall not be designated as gamblers, nor such amusement game be defined as gambling*".

POINT OF ORDER

Senator Bailey: "I am not trying to confuse this issue, but I thought we had to consider amendments section by section, and I do not want to come back later and find out that I cannot get back to the local option section."

RULING BY THE PRESIDENT

The President: "It will not prohibit you from coming back, Senator."

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

Senator Woody moved adoption of the following amendment:

On page 4, section 2, line 21, after "same." strike all the material down through and including "section" on line 27 and insert: [The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue

Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section]”.

Debate ensued.

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

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

On page 7, line 28, after “newspaper” strike the comma and insert “[,]”.

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

On page 10, line 28, after “game” and before the period insert “, or to the winner or winners of said prize or prizes”.

On motion of Senator Peterson (Ted), the following amendment was adopted:

On page 12, section 3, line 12, add a new subsection following subsection (1) as follows:

“(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 \$5000; 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.*”

Renumber the remaining subsections consecutively.

On motion of Senator Canfield, the following amendments were adopted:

On page 13, line 26, after “issue,” and before “suspend” insert “deny,”

On page 13, line 27, after “race,” and before “creed,” insert “sex,”

Senator Francis moved adoption of the following amendment:

On page 13, lines 23 through 25, after “[That]” strike all the material down through and including “PROVIDED FURTHER, That” and insert “[the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That]”.

POINT OF INQUIRY

Senator Mardesich: “Are you intending to return the original language or merely strike the stricken language?”

Senator Francis: “I am striking actually only the language on lines 23, 24 and 25 and the part that is already stricken should not be considered as part of the amendment. That is wrong. It should not say ‘line 18 through 25.’ It should say ‘line 23 through 25.’”

Senator Mardesich: “And then the stricken matter would remain stricken?”

Senator Francis: “It would remain stricken.”

Senator Mardesich: “That is incorrectly drawn, then?”

Senator Francis: “Yes. I agree with Senator Mardesich. If you can make that correction up there.”

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

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

On page 14, beginning on line 7, after “PROVIDED,” strike all the material down through and including “FURTHER,” on line 10 and insert “[That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER,]”

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

On page 15, line 13, after “having” and before “interest” strike “an” and insert “[an] a managerial or ownership”.

Senator Canfield moved adoption of the following amendment:

On page 15, line 23, between “holding” and “interest” strike “an” and insert “[an] a managerial or ownership”.

POINT OF INQUIRY

Senator Greive: "It is my understanding that when the bingo clubs were operating in Seattle that they never operated under the names of the managers. As a factual matter, I have evidence, for instance in Wayne's which was not a bingo but a go-go club where Mr. Colacurcio - who was rather famous throughout the state of Washington - was listed as the night janitor for a hundred dollars a month, and later when he got three hundred dollars a month he was listed to be, of all things, a dishwasher. Now we cannot prove that he ever washed a dish or that he was ever there at night, but he was on the payroll. It would seem to me that to remove the responsibility with an amendment such as this is a very dangerous situation and I am against not only this amendment, but the previous amendment. Maybe Senator Canfield has some explanation as to how to get around this."

Senator Canfield: "Senator Greive, let me illustrate it by a practical example of the fair in Yakima with the grounds being owned by the county. All the people of Yakima County have an interest in those grounds. The way this bill is worded, we would have to get the names of every person in Yakima County on this application because they all have an interest in the property. That is just an example. I think what we are really after is the people who are heading up the thing, who are controlling it, who are the managers of the operation."

Further debate ensued.

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

Senator Canfield moved adoption of the following amendment:

On page 15, line 26, after "activity" and before the semicolon insert "*PROVIDED FURTHER, That fingerprinting shall be required only in those cases where the commission or the director has cause to believe that information gained thereby may disclose criminal or other relevant activity*".

POINT OF INQUIRY

Senator Woodall: "Will Senator Canfield yield? I certainly am with you, but a little bit of your language here, 'when they have cause to believe that information gained thereby may disclose criminal or other relevant activity.' What is 'other relevant activity'?"

Senator Canfield: "Mr. President, I think Senator Woodall's remarks are well taken and with the consent of the body, I would move to strike 'or other relevant' and then I withdraw my request until we hear further evidence, Mr. President."

Senator Francis objected to Senator Canfield's motion to delete "or other relevant" and there being no objection, Senator Canfield withdrew his motion to delete.

Further debate ensued.

POINT OF ORDER

Senator Francis: "Mr. President, no one has moved to strike that language and Senator Canfield has withdrawn his request to do so, and so I think Senator Greive is not speaking to anything that is before the body."

REMARKS BY SENATOR GREIVE

Senator Greive: "I stand corrected."

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

The following committee amendment was adopted previously today:

On page 15, beginning on line 31, after "games be" strike all the matter down through "fair;" on page 16, line 5 and insert: [receipted for at the time the income is received from each individual player and that all prizes be receipted for at the time the prize is distributed to each individual player and to require that all raffle tickets be consecutively numbered and accounted for. PROVIDED, That in lieu of the requirements of this subsection, agricultural fairs as defined herein shall report such income not later than thirty days after the termination of said fair,] *recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the*

gambling activity in such manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;"

Senator Bottiger moved adoption of the following amendment by Senators Bottiger, Marsh and Canfield:

On page 16, section 4, following line 23, insert a new subsection to read as follows:

"(11) To regulate and establish for bona fide charitable nonprofit corporations and organizations reasonable admission fees which may be imposed by such organizations for the purpose of defraying the expenses incident to a social card or other game or fund raising endeavor and the balance over and above such expenses is to be used solely for the charitable purposes of the corporation or organization;"

POINT OF INQUIRY

Senator Woodall: "Would Senator Bottiger yield? Why do you have it that the Grange has to ask the commission what they can charge each other to come to their own meeting?"

Senator Bottiger: "Senator Woodall, I am just a practical politician. I wrote it the other way last time. You participated in it. The Governor vetoed it and I take it he would do it again, so I am just trying to get what I can get, I guess."

Further debate ensued.

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

On motion of Senator Sellar, the following amendments by Senators Sellar and Bailey were adopted:

On page 19, beginning on line 15, after "therein" strike all the matter down through and including "government" on line 17.

On page 19, beginning on line 18, strike "of twenty thousand or more persons".

Senator Stortini moved adoption of the following amendment by Senators Stortini and Woodall:

On page 21, line 14, after "over" and before "dollars" strike "five" and insert "{five} fifty".

Debate ensued.

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Stortini yield to a question? Senator, does your amendment also cover the bingo winnings up to fifty dollars?"

Senator Stortini: "Senator Knoblauch, we are dealing with section 8, and that only deals with punchboards and pull tabs. It does not cover bingo."

Senator Knoblauch: "Well, I would hope that we could include bingo at the same time. But getting back to my friendly tavern owner in Sumner, one of his gripes too, is that he has to — each time he has a winner on a pull tab or a punchboard — ask for their name and list their names. It looks as though we are trying to say everybody is a crook. I cannot see anything wrong if a man wins a prize. I cannot see why he should be asked his name and address. What does that prove?"

Senator Stortini: "Members of the Senate, in response to Senator Francis, let me say first of all, on a punchboard whenever there is a winner the winning number is then blacked out and the person who does punch that board knows exactly how many winning tickets are left, plus the prizes are right there in full view. But I think even more important than that, the real enforcement comes from the fact that the liquor board can take away the owner's liquor license according to state law if there is any cheating at all. And I just do not think he would risk that."

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Francis yield, please? Senator Francis, I have had some input from local law enforcement people who indicate to me that punchboards and pull tabs are about as easy a way to fleece the public as there exists. They

have some question about the credibility of the operation in its entirety, and I wonder in your investigation — maybe Senator Stortini perhaps would like to answer this — but is it common practice that when there is a winning number pulled that it is indicated on the face of the board that those numbers are gone? Is that common practice now to indicate that there is only one prize left or two prizes left on the board?"

Senator Francis: "Senator Lewis, the testimony that we received indicated that Senator Stortini is right on that. However, we were also informed in testimony on several occasions, most of it as you remember well over a year ago that there are a number of other ways to deceive the public on that, and when we let that bill out of committee it was very clearly established in the bill that there would be no punchboards or pull tabs distributed by anyone but the commission. They would not be sold as they are under the present law by private operators, and only the commission would have the keys, and so forth. I think that law enforcement is somewhat justifiably concerned."

POINT OF INQUIRY

Senator Guess: "Would Senator Francis yield? Senator Francis, a number of years ago when punchboards were in operation in Oregon there was an awful lot of stir down there over the fact that punchboards came with coded codes on the back of them and the sharpies would come along and skim the entire board and there would not be anything left. Have we anything in this bill that will stop that kind of thing?"

Senator Francis: "Senator Guess, I know of nothing in this bill that would do anything about that. However, the commission has the power to regulate and I am sure they are not allowing the keys to be printed right on the punchboard."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I can answer that. I attended a hearing on this subject they had. One man spoke who sold them. He said, 'You know, if it was possible to do that, to put out a money board and have your pal come along behind you and punch them out,' he said, 'I would have retired and been out of the business years ago.' Because, they explained, there are four companies in America and they explained how these are put together. They have this whole barrel of numbers and they are blown into these little holes under pressure and there just is no way, in other words you do not stand there with your finger and deliberately put number ten in a certain hole and then mark down, 'I have put ten in a certain hole.' They just are not made up that way. They are blown in, in an accidental fashion, and it is impossible to have a code on them."

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

Senator Grant moved adoption of the following amendment by Senators Grant and Stortini:

On page 21, line 19, strike "[ten] *fifteen*" and insert "ten".

Debate ensued.

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

On motion of Senator Francis, the following committee amendment was adopted:

On page 21, line 21, after "*or*" and before "*as*" insert "*out*" and on line 22, after "*receipts*" add "*less the amount paid for or out as prizes*".

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

On page 22, line 2, after "*therewith.*" strike "*The*" and insert "*Each commissioner, the*".

There being no objection, an amendment by Senator Canfield to page 22, line 30 on the Secretary's desk, was withdrawn.

Senator Canfield moved adoption of the following amendment:

On page 22, line 30, add a new section 10 to read as follows:

"Sec. 10. Section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.200 are each amended to read as follows:

In addition to any other penalty provided for in this chapter, every person, directly or indirectly controlling the operation of any gambling activity authorized in section 3 of this

act including a director, officer, and/or manager of any association, organization or corporation conducting the same, whether charitable, nonprofit, or profit, shall be liable, jointly and severally, for money damages suffered by any person because of any violation of this chapter, together with interest on any such amount of money damages at six percent per annum from the date of the loss, and reasonable attorneys' fees: PROVIDED, That if any such director, officer, and/or manager did not know any such violation was taking place, and if such director, officer and/or manager shall *establish by a preponderance of the evidence that he did not have such knowledge and that he had exercised all reasonable care to prevent the violations* he shall not be liable hereunder. [Any civil action under this section may be considered a class action.]”

Renumber the remaining sections accordingly.

Debate ensued.

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

On motion of Senator Francis, the following committee amendment was adopted:

On page 23, line 5 strike all of section 11 and renumber the remaining sections accordingly.

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

On page 23, line 5, insert a new section 11 as follows:

“Sec. 11. Section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040 are each amended to read as follows:

There shall be a commission, known as the “Washington state gambling commission”, consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of July 16, 1973 for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms; PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining member or members to act, except as in RCW 9.46.050(2) provided.

In addition to the members of the commission there shall [initially] be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; [all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973] *such appointments shall be for a term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made.* Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the “gambling revolving fund” as being expenses relative to commission business.”

MOTIONS

On motion of Senator Scott, Senator Matson was excused.

Senator Van Hollebeke moved adoption of the following amendment:

On page 21, section 8, line 2, strike “twenty-five” and insert “[twenty-five] fifty”.

Debate ensued.

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

Senator Bailey moved adoption of the following amendment:

On page 23, section 12, line 12, insert a new section to read as follows:

"*NEW SECTION.* Sec. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on June 1, 1974: PROVIDED, That this act shall be subject to referendum petition pursuant to Article II, Section 1 of the constitution of the State of Washington."

Renumber the remaining section consecutively.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, the thought struck me the other day that the bills we are passing here are not going to become effective unless we put a date on them or have an emergency clause because if we happen to recess and come back at an April date the Constitution provides that no bill can take effect until ninety days after the final adjournment of that session of the legislature. Now in this bill my first concern is not in any gambling interest. My first concern is the small bingo game, the small organization, the small nonprofit group that is going to read this bill having passed and wonder why it does not go into effect. It cannot go into effect unless we finally adjourn, and I am pessimistic enough to fear that we are not going to do that.

"The other thing is that we have Expo '74 involved in this bill and if this act does not take effect until July or August, it is very necessary that we have some sort of a date in here to make the bill effective in order to be effective for Expo '74. I provide in this amendment that the act would not take effect until approximately ninety days, which would be June 1, and provide also that it would be subject to referendum petition because I did not want it to fall under the court ruling we had on the last budget. Whether this is constitutional or not I don't know. A judge can tell us that, and the intention is not to slide something through that the people cannot speak back on, but if we do not do this we have just wasted an awful lot of time here today and it is not going to do any good until August or September and Expo '74 will probably have gone by the boards."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Speaking against the amendment, this body has never done this. I think it is clearly unconstitutional. You cannot have an emergency clause bill subject to a referendum by the Constitution itself. Now I know that the attorneys differ. I do not know, but it will not, with the emergency clause on it and the referendum it probably will not go to the Governor. I see, it was not an automatic referendum. Okay, I did not understand that the way it was. I do not know whether you can do that either, Senator. I think it probably is unconstitutional, but we will find out."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I thought for quite awhile about how to phrase this so that we would get around that question, the precise question if we can couple a referendum or an emergency clause with a permissible referendum, if somebody goes out and collects the ballots. It seems to me the court would say, 'You had your chance, the ninety days was there from the passage until the effective date of the act. You have had your chance and if you wait and try to wait until ninety days after we adjourn, you are out of luck.' And that is, in my opinion, what a court would say because the people's right to referendum is protected and yet the emergency date or the effective date of the act is also taken care of."

REMARKS BY SENATOR WHETZEL

Senator Whetzel: "What Senator Bailey is trying to do, I think, does run afoul of the

Constitution. It does say, 'No act, law or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted,' so I think your June 1 date is probably not going to be effective. It is going to be deferred until the ninety days after this session adjourns. Since you are placing the referendum on it, I think that is the way it would end up."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, Senator Whetzel, we do not know what date we are going to adjourn sine die so at this moment we certainly do not know that that date we put on there is less than ninety days from then, so at this moment anyway, we can act with the expectation it will be constitutional even under your argument. So I would say the best we can do is this, we are putting an effective date on it. Let us give it a try."

POINT OF INQUIRY

Senator Canfield: "Mr. President, my question is directed to any one of the good attorneys in here, but could we not set an effective date without using the emergency clause wording?"

Senator Bailey: "I had some very good attorneys draw this. I think it is worth trying. We have got to solve this some way, and I certainly think that is what we pay the Supreme Court judges for. None of us here know what in the devil they will do in the second place. It might be a five to four decision, half of them with us and five of them against us, or it might be just the opposite, but we should try it. We have got to do something or this bill is totally useless."

REMARKS BY SENATOR CLARKE

Senator Clarke: "The purpose, I had always thought, of the referendum ability was to permit a referendum to in effect prevent a law from becoming effective until the people had had an opportunity of voting on it. Now if you put an effective date of June 1 on this, how can the people by referendum exercise their prerogative of delaying its taking effect until such time as they have a right to vote? Now to me an effective date previous to when bills would normally take effect is in substance an emergency clause. An emergency clause has always been inconsistent with the idea of referendum."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I think the answer is that they would have between now and June 1 to come up with the signers. If they got the signers between now and June 1, then this would not go in. Then the law just plain would be hung up until the next general election. If by June 1 they have not come up with the signers, then we have a law. I think that is the way as a practical matter it would have to work itself out. I have just checked and made sure that we have a severability clause in here because I was a little apprehensive that this particular paragraph could possibly ruin the whole bill because we are doing something that I have never known in thirty years to be done, to set a date and an emergency and a referendum all in the same paragraph. This is a brand new thing. I wanted to make sure that we had a severability clause so that if the court threw that part out, it did not spoil all of our efforts in other areas. There is a severability clause in there so that if the Bailey combination triple threat amendment should be thrown out, we still have our law."

POINT OF INQUIRY

Senator Canfield: "Mr. President, could not the emergency clause be cut out and just set an effective date with the referendum?"

Senator Bailey: "The Constitution clearly provides that a bill cannot become effective until ninety days after the final adjournment of the session of the legislature and this is what we are trying to circumvent."

Senator Canfield: "Now wait a minute. Can't you set an effective date by statute?"

Senator Bailey: "If you want to change the Constitution, but that is going to take a little time."

Senator Canfield: "No, my law books say that you can set a date certain."

Senator Bailey: "Only with an emergency clause, I think."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I would like to make it clear I am not trying to foul this up, but I just do not think we have a bill unless we adjourn sine die. The point I am getting at is we did not say it had to go to referendum, Senator Clarke. We figured out ninety days as Senator Woodall said, so that people would have ninety days if they wanted to get up a referendum petition. We did not want in any way to steamroller this so that people could not have a referendum on it if they wished. That was the only reason we put that on there. It was subject to referendum, but it is there only if enough people are upset about it. I have an idea that when the Governor gets through wearing out a couple of pens on this thing we are going to be arguing over nothing, anyway."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, if you look at it in the light of why cannot we do it instead of why we can do it, I think you will come to the conclusion that just because we have always said, 'shall take effect immediately,' at the last of the emergency clause, we have always phrased it that way. But suppose we said, 'shall take effect fifteen days from now.' I do not see any reason in the world why we cannot do that, put an emergency clause on and say fifteen days from now it will take effect. So if we can do it fifteen days from now, we can do it June 1. Now the only question that comes up then is how do you protect the people's right to referendum? The bill says so and all the court has to do, if somebody challenges it, is point out that 'You had the right to referendum way back when they put it in.' Is there anything inconsistent with the right to referendum in an emergency clause? No, nothing at all."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President, I would like to inform Senator Bailey I have eighteen votes here that will support you on that, adjourning Saturday night. Sine die."

REMARKS BY SENATOR TWIGG

Senator Twigg: "Mr. President, I appreciate Senator Bailey's concern about Expo '74 and accordingly would offer an oral amendment to his amendment changing the effective date to May 4, 1974, which is the opening gun of Expo '74, leaving approximately ninety days from today for the signatures to be secured."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think the whole issue may evolve on whether or not we give people ninety days to refer this measure, and I think that if Expo '74 had to run a dry week it probably could survive. I would suggest that we put it at least maybe the 20th of May so that then you people can go downstairs and try to get the governor to sign it."

On motion of Senator Twigg, the following amendment to the amendment by Senator Bailey was adopted:

On line 5 of new section 13, added by the Bailey amendment, strike "June 1" and insert "May 20".

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

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

On page 1, line 15 of the title, strike "and" and on line 16 after "penalties" and before the period insert "; declaring an emergency and prescribing an effective date".

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

On line 5 of the title, after "9.46.030;" insert "amending section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040;"

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

On line 10 of the title, after "9.46.110;" insert "amending section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.200;"

On motion of Senator Francis, Engrossed Substitute House Bill No. 473, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 473, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Marsh, Odegaard, Peterson (Lowell), Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Woodall, Woody—30.

Voting nay: Senators Atwood, Dore, Durkan, Greive, Guess, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, von Reichbauer, Washington, Whetzel—16.

Excused: Senators Matson, Rasmussen—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, as amended by the Senate, having received the constitutional 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 Durkan, the Senate commenced consideration of House Bill No. 1276.

SECOND READING

HOUSE BILL NO. 1276, by Representatives Charette, Eikenberry and Kelley (by Attorney General request):

Defining exempted transactions under the consumer protection act.

REPORT OF STANDING COMMITTEE

February 6, 1974.

HOUSE BILL NO. 1276, defining exempted transactions under the consumer protection act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "permitted" and before "under" and insert "[, prohibited or regulated]".

On page 1, line 12, strike "*actions or transactions permitted*".

Signed by: Senators Francis, Chairman; Atwood, Bottiger, Clarke, Durkan, Marsh, Woodall.

The bill was read the second time by sections.

Senator Francis moved that the committee amendment not be adopted.

POINT OF INQUIRY

Senator Dore: "May I ask a question? By this act is the Attorney General trying to take over the function of the other regulatory agencies except the Utilities Commission?"

How about the Insurance Commissioner? Is he going to take over the consumer problems like the Insurance Commission?"

Senator Francis: "No, Senator Dore. What you are asking me has nothing to do with the bill. The bill is about application of the Consumer Protection Law to actions or transactions which are regulated by the Utilities and Transportation Commission, the Insurance Commissioner and the Federal Power Commission. It does not affect those three. It does say that nothing will apply, actions or transactions permitted by other regulatory bodies, and by leaving it out, it is kind of a complicated way of doing it, but it is the only way to do it. By leaving it out it would mean that if another regulatory body other than those three violated its own rules, if there was something done that was not permitted by those bodies by somebody else, then they could apply the Consumer Protection Law. It does expand the Consumer Protection Law a little bit, but not into the areas of the Insurance Commissioner that you asked me about."

Senator Dore: "Could you tell me with what regulatory agencies it now has concurrent jurisdiction?"

Senator Francis: "Any regulatory body or officer acting under statutory authority of this state with the exception of those which have been regarded as preempted in the past, it is still preempted. We cannot get into those areas that are regulated by those three that are mentioned."

POINT OF INQUIRY

Senator Day: "Will Senator Francis yield? The professional disciplinary boards now and the professional licensing boards, does this allow the Attorney General to get into those areas?"

Senator Francis: "I do not really know what you are saying there."

Senator Day: "They are presently exempted from the . . ."

Senator Francis: "We are not talking about the boards, we are talking about people who are governed under -- yes, if a person who is licensed commits a consumer fraud, for example, you would be able to assert in a civil case the Consumer Protection Law. Now even though you are licensed, if you commit a fraud that is not permitted by your regulatory agency, then you would be able to assert the Consumer Protection Law. That is what this is about, yes."

Further debate ensued.

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

Senator Day moved adoption of the following amendment:

On page 1, line 11, after "commission," insert "*those licensed under chapter 18*,".

POINT OF INQUIRY

Senator Atwood: "Would Senator Day yield? Does this include attorneys and doctors and . . ."

Senator Day: "Chapter 18 includes the healing arts, doctors, etc., but I do not believe that it includes attorneys."

POINT OF ORDER

Senator Greive: "I raise the point that this is being considered after five o'clock cutoff contrary to the joint rule adopted by both houses."

MOTION

At 6:42 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Friday, February 8, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, February 8, 1974.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Francis, Herr, Metcalf and Woodall.

The Color Guard, consisting of Pages Daniel Stusser and Carol Peterson, presented the Colors. Reverend Arthur M. McGee, pastor of Gloria Dei Lutheran Church of Kelso, offered the following prayer:

“GRACIOUS FATHER GOD, WE INVOKE YOUR PRESENCE THIS DAY TO BE WITH OUR ELECTED REPRESENTATIVES IN GOVERNMENT. IN YOUR WISDOM YOU ESTABLISHED IN OUR MIDST THESE LEGISLATIVE BODIES—EMPOWERING THEM WITH THE LAW-MAKING POWERS TO UPHOLD ORDER, LIBERTY, JUSTICE AND HUMAN DIGNITY. WE PRAY FOR YOUR CONTINUAL BLESSINGS UPON THIS FORM OF GOVERNMENT IN OUR STATE AND IN OUR NATION.

“GRANT THAT OUR LEGISLATORS MAY ALWAYS BE MINDFUL OF THE WELFARE OF THE ENTIRE CONSTITUENCY. WE PRAY THAT THEY MAY BE GUIDED TO SERVE UNSELFISHLY THE COMMON GOOD OF ALL THE PEOPLE. KEEP THEM, O FATHER, FROM PARTY PETTINESS AND SELF-SEEKING. PROTECT, O FATHER, THOSE LIBERTIES OF RULE BY REPRESENTATION WHICH ARE THE CORNERSTONE OF OUR GOVERNMENT. TEACH US CHRISTIANS THE GRACE TO USE OUR FREEDOM TO PROCLAIM YOUR WORD AND TO USE EACH AND EVERY OPPORTUNITY TO SERVE OUR FELLOW MEN. MAY WE GIVE PROOF OF OUR GRATITUDE IN SEEKING THE WELFARE OF OUR STATE, IN USING OUR PRIVILEGES OF BALLOT AND FREEDOM OF PRESS AND SPEECH FOR THE IMPROVEMENT OF OUR OWN COMMUNITIES AND OUR ENTIRE NATION. GRANT US, O FATHER, THESE BLESSINGS THROUGH YOUR SON AND OUR SAVIOR, CHRIST JESUS. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1974

SENATE BILL NO. 3141, revising the unemployment compensation laws with respect to quitting work (reported by Committee on Ways and Means):

MAJORITY recommendation: That Third Substitute Senate Bill No. 3141 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Dore, Fleming, Mardesich, Marsh, Newschwander, Rasmussen, Woody.
Passed to Committee on Rules for second reading.

February 8, 1974.

SENATE BILL NO. 3307, permitting the department of labor and industries to insure

employers against liability arising under the longshoremen's and harbor workers' act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by the Senate Committee on Labor and the Senate Committee on Ways and Means.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Grant, Marsh, Peterson (Ted), Scott.

Passed to Committee on Rules for second reading.

February 8, 1974.

ENGROSSED HOUSE BILL NO. 138, changing the rate of interest on delinquent property taxes from a variable rate to a uniform rate (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Grant, Marsh, Peterson (Ted), Scott.

Passed to Committee on Rules for second reading.

February 8, 1974.

HOUSE BILL NO. 1006, exempting certain personal contracts and athletic or sports franchises from property taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Grant, Marsh, Peterson (Ted), Scott.

Passed to Committee on Rules for second reading.

February 8, 1974.

ENGROSSED HOUSE BILL NO. 1233, authorizing tax refunds based on assessed value reductions and prohibiting refunds of less than one dollar (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Grant, Marsh, Peterson (Ted), Scott.

Passed to Committee on Rules for second reading.

February 7, 1974.

HOUSE BILL NO. 1437, assures budgets setting forth costs arising from higher educational personnel law in institutions of higher education to director of the office of program planning and fiscal management for review (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Fleming, Mardesich, Marsh, Sandison, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1245, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 7, 1974.

Mr. President: The House has passed SECOND SUBSTITUTE HOUSE BILL NO. 1039, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 1037,
 HOUSE BILL NO. 1407, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The House has passed SENATE BILL NO. 3159, and the same is
 herewith transmitted.

DONALD R. WILSON, Chief Clerk.

February 7, 1974.

Mr. President: The House has passed:
 REENGROSSED SENATE BILL NO. 2235,
 REENGROSSED SENATE BILL NO. 2408,
 REENGROSSED SENATE BILL NO. 2584, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The House has passed:
 SENATE BILL NO. 2989,
 ENGROSSED SENATE BILL NO. 3023,
 ENGROSSED SENATE BILL NO. 3059,
 SENATE BILL NO. 3080,
 ENGROSSED SENATE BILL NO. 3122, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The House has passed:
 SENATE BILL NO. 3055,
 SENATE BILL NO. 3075,
 SUBSTITUTE SENATE BILL NO. 3117,
 SENATE BILL NO. 3130,
 SENATE BILL NO. 3144, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 7, 1974.

Mr. President: The House has passed:
 SENATE BILL NO. 3366,
 SENATE JOINT MEMORIAL NO. 106, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 7, 1974.

Mr. President: The House has passed:
 ENGROSSED SENATE BILL NO. 2572,
 ENGROSSED SENATE BILL NO. 3002, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 7, 1974.

Mr. President: The Speaker has signed HOUSE BILL NO. 1084, and the same is
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The Speaker has signed:
 HOUSE BILL NO. 385,

SUBSTITUTE HOUSE BILL NO. 671,
 SUBSTITUTE HOUSE BILL NO. 757,
 HOUSE BILL NO. 916,
 SUBSTITUTE HOUSE BILL NO. 967,
 HOUSE BILL NO. 1173,
 HOUSE BILL NO. 1180,
 HOUSE BILL NO. 1226,
 HOUSE BILL NO. 1294,
 HOUSE BILL NO. 1303,
 HOUSE BILL NO. 1354,
 HOUSE BILL NO. 1355,
 HOUSE BILL NO. 1356,
 HOUSE BILL NO. 1357,
 HOUSE BILL NO. 1358,
 HOUSE BILL NO. 1360,
 HOUSE BILL NO. 1361, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The Speaker has signed HOUSE BILL NO. 1508, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2329,
 THIRD SUBSTITUTE SENATE BILL NO. 2843,
 SENATE BILL NO. 2969,
 SENATE BILL NO. 3040,
 SENATE BILL NO. 3050,
 SENATE BILL NO. 3077,
 SENATE BILL NO. 3168,
 SENATE BILL NO. 3229,
 SENATE BILL NO. 3351, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 385,
 SUBSTITUTE HOUSE BILL NO. 671,
 SUBSTITUTE HOUSE BILL NO. 757,
 HOUSE BILL NO. 916,
 SUBSTITUTE HOUSE BILL NO. 967,
 HOUSE BILL NO. 1084,
 HOUSE BILL NO. 1173,
 HOUSE BILL NO. 1180,
 HOUSE BILL NO. 1226,
 HOUSE BILL NO. 1294,
 HOUSE BILL NO. 1303,
 HOUSE BILL NO. 1354,
 HOUSE BILL NO. 1355,
 HOUSE BILL NO. 1356,
 HOUSE BILL NO. 1357,
 HOUSE BILL NO. 1358,
 HOUSE BILL NO. 1360,
 HOUSE BILL NO. 1361,
 HOUSE BILL NO. 1508.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2235,
 SENATE BILL NO. 2408,
 SENATE BILL NO. 2584,
 SENATE BILL NO. 2989,
 SENATE BILL NO. 3023,
 SENATE BILL NO. 3059,
 SENATE BILL NO. 3080,
 SENATE BILL NO. 3122.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 670, by Committee on Transportation and Utilities (originally sponsored by Representatives Nelson, Gilleland, Charnley and Beck):
 Authorizing and funding for public transportation systems.
 Referred to Committee on Rules.

ENGROSSED SUBSTITUTE HOUSE BILL NO 764, By Committee on Education (originally sponsored by Representatives Polk, Bauer, Smythe, Barden, Pullen, North (Lois), Clemente, Hoggins, Bender, Hayner, Hurley, Eikenberry, Gilleland, Thompson, Freeman, Kopet, Brown, Julin, Warnke, Curtis and Wilson):
 Creating a basic skills educational accountability system for grades kindergarten through six of the public schools.
 Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 1037, By Committee on Agriculture (originally sponsored by Representative Kilbury):
 Regulating the egg industry.
 Referred to Committee on Rules.

SECOND SUBSTITUTE HOUSE BILL NO. 1039, By Committee on Ways and Means (originally sponsored by Representative Kilbury):
 Relating to water rights.
 Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 1245, by Representatives Kuehnle, Morrison, Conner, King, Barnes, Honan and Hayner (by Washington Public Employees and Law Enforcement and Fire Fighters Retirement Board request):
 Enacting 1974 LEFF retirement system amendments.
 Referred to Committee on Rules.

HOUSE BILL NO. 1308, by Representatives Ceccarelli, Eikenberry and Pardini (by Office of Program Planning and Fiscal Management request):
 Establishing and prescribing the functions of the committee on deferred compensation.
 Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 1328, by Representatives Douthwaite, Ceccarelli, Chatalas, Barnes, Charnley, Valle, Lysen, Perry, Cunningham, Leckenby and Van Dyk:
 Providing means for port districts to undertake abatement of airport noise.
 Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 1363, by Representatives Bagnariol, Hendricks, Bausch and Ceccarelli:
 Providing for public employment retirement.
 Referred to Committee on Rules.

HOUSE BILL NO. 1407, by Representatives Sommers and Randall:
 Defining "adopted child" for purposes of the inheritance and gift tax laws.
 Referred to Committee on Rules.

MOTION

At 10:15 a.m., on motion of Senator Bailey, the Senate recessed until 12:35 p.m.

NOON SESSION

The President called the Senate to order at 12:35 p.m.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the Senate Chamber of Miss Linda Broeckel, the Washington Wheat Queen, and appointed Senators Donohue, Jolly, Sellar, Matson and Washington to escort the honored guest to the rostrum.

The President turned the gavel over to Senator Donohue who introduced the guest.

With leave of the Senate, business was suspended to permit Queen Linda to address the Senate.

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

MOTIONS

On motion of Senator Sellar, Senator Metcalf was excused.

At 12:45 p.m., on motion of Senator Bailey, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 1259.

SECOND READING

HOUSE BILL NO. 1259, by Representatives Charette, Knowles and Clemente:

Relating to the construction of statutes.

The bill was read the second time by sections.

On motion of Senator Mardesich, House Bill No. 1259 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1259, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senator Herr—1.

Excused: Senator Metcalf—1.

HOUSE BILL NO. 1259, having received the constitutional majority, was declared

passed. 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 Grant, Washington and Murray:
Providing for public disclosure by public officials.

REPORT OF STANDING COMMITTEE

January 28, 1974.

SENATE BILL NO. 3243, providing for public disclosure by public officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 4, section 1, subsection (7), after "preparation" strike "and" insert "or".

On page 2, line 10, strike section 2 and renumber the remaining sections consecutively.

On page 2, line 13, section 2, before "31st" and after "before" strike "January" and insert "March".

On page 3, line 6, section 3, subsection (1), after "subsection" strike "may" and insert "shall".

On page 5, line 26, section 4, subsection (g) (ii), after "amount of" strike all material down to and including "five" on line 27 and insert "five".

On page 5, line 29, section 4, subsection (1)(g)(ii), after "PROVIDED," strike all material down to and including "and" on line 33 and insert "*That the term "compensation" for purposes of this subsection (7)(g) shall not include payment for tangible personal property or water and other utility services, at current market value and in the ordinary course of business, or interest paid by a borrower on loans from a bank or other commercial lender; and*".

Signed by: Senators Grant, Chairman; Canfield, Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Grant, the committee amendment to page 2, line 4 was adopted.

On motion of Senator Grant, the committee amendment to page 2, line 10 was not adopted.

Senator Grant moved adoption of the committee amendment to page 2, line 13.

POINT OF INQUIRY

Senator Woodall: "Would Senator Grant yield? Does that extension date apply to officials too or only to lobbyists for that extension?"

Senator Grant: "Only to lobbyists' employers, Senator Woodall. That was the item that was hung up in the Supreme Court as to whether they were required to report at all. That decision was made in January that they must report so you go back to the original Initiative 276 language which would have required them to report by January 31st. As a matter of fact, right now they should have had their reports in. If they have not, and they did not have a very long period of time from the decision of the court to gather that information, if they did not report they are technically in violation of the law right now."

Senator Woodall: "I wholly agree with you but my question is, did you consider extending the date for elected officials? Some of us found the 31st of January a real close tight date when you consider that you get your last bank statement back maybe around the end of the month of January and you are trying to make a final statement, the 31st of January is pretty tight, particularly in a legislative session. I just wondered if you gave any thought to extending the date to make it a little bit easier on ourselves. We always eased up on everybody else and I would like to have you consider if you could insert it somewhere that if that is a good date maybe we should make it a little bit later in the year for ourselves to where if you are in Olympia and you are in the middle of a session, you are trying to collect your data, that we not tie ourselves to the 31st of January and I would like to have you comment on that point."

Senator Grant: "Senator Woodall, we have had a continuing consideration of Initiative 276 and potential amendments to it. That particular problem has not been brought to the attention of the committee and may very well be a problem. I personally do not find it to be a problem in my own case but I would certainly be more than happy to take a look at that type of concern in the committee in the interim period. There are other aspects of the changes here within the bill that we are working on though that I can assure you do relate specifically to legislators and our operations and the mechanical aspects of Initiative 276. So we are taking a look at that area."

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

On motion of Senator Grant, the committee amendment to page 3, line 6 was adopted. Senator Grant moved adoption of the committee amendment to page 5, line 29.

POINT OF INQUIRY

Senator Woody: "Would Senator Grant yield? Reading this quickly, I do not understand what the significance is in deleting the real property from this proviso."

Senator Grant: "I think perhaps Senator Washington can answer that better than I can. I think it was his amendment. I am not that well acquainted with that particular aspect."

Senator Washington: "In answering the question, we were trying to really hit what I think is the major problem which is small businessmen who are in public office, whether it is a grocery store, whether it is an implement dealer, feed dealer, someone selling farm equipment or whatever it would be. They were the ones that were having to disclose a long list of persons with whom they had done business, and they felt that it was giving the list of the persons with whom they did do business which would be detrimental to them. It was generally felt that if this were personal property and you were in the store business and you got the value received for the material you sold that they should not have to report that as compensation. On the other hand, real estate just generally by its nature quite often in the public mind generally is something that public officials are dealing in and that ordinarily you are not dealing in large numbers of tracts and it would not ordinarily be too difficult for you to list the property that you had sold and the compensation that you had received for it, that it would not help the reporting very much and would tend to add another cloud against public officials."

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

Senator Grant moved adoption of the committee amendment to page 5, line 26.

POINT OF INQUIRY

Senator Woodall: "Would Senator Grant yield? I do not quite get the import of what you are saying. You are saying that a merchant on a five hundred deal has to report each one of them, is that what you are saying?"

Senator Grant: "No, because, Senator Woodall, . . ."

Senator Woodall: "Twenty-five hundred, which is it?"

Senator Grant: "The bill originally said twenty-five hundred."

Senator Woodall: "And you are dropping it to five hundred?"

Senator Grant: "Initiative 276 was initially five hundred."

Senator Woodall: "And you are raising it then?"

Senator Grant: "But because we have defined compensation further and made an exception from compensation where we say in the usual course of business, in the ordinary course of business the type of transaction that you are discussing is not necessarily to be reported."

Senator Woodall: "Well let me be specific. We lost a school board member in Toppenish who was a Shell oil dealer and, you know the salary of a school board member is nothing. And he just said 'I will be damned if I am going to give my competitor the names of all of my five hundred dollar customers.' So he quit the school board. A big gain for good government. Now how about it? Are you making it easier for a man like that to stay on or tougher or leaving it the same?"

Senator Grant: "I think, Senator Woodall, by the amendment we passed previously we are making it easier for them to stay on the job because the amendment we passed

previously said 'compensation,' which is what we are talking about, the transactions of five hundred dollars that must be reported under the original act, 'shall not include payment for tangible personal property, for water and other utility services, at current market value and in the ordinary course of business.'"

Senator Woodall: "So the Shell oil dealer under this could stay on and he would not now have to give his competitor the names of all of his customers?"

Senator Grant: "I think that is true, Senator Woodall."

Senator Woodall: "Thank you."

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

Senator Odegaard moved adoption of the following amendment:

On page 7, line 17, add a new section to read as follows:

"Sec. 5. Section 24, chapter 1, Laws of 1973 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president [and], precinct committeemen, and any elected official of a local agency with a total annual budget of less than seventy-five thousand dollars: *PROVIDED*, That such minimum budget amount shall be increased or decreased by a percentage equal to the then most recent percentage change in the national consumer price index as determined by the United States department of labor, bureau of labor statistics) shall on or before January 31st of each year, and every candidate (except for the offices [of president, vice president and precinct committeeman] excluded above) shall, within two weeks of becoming a candidate, file with the commission a written statement sworn as to its truth and accuracy stating for himself and his immediate family for the preceding twelve months:

(a) Occupation, name of employer, and business address; and

(b) Each direct financial interest in excess of five thousand dollars in a bank or savings account or cash surrender value of any insurance policy; each other direct financial interest in excess of five hundred dollars; and the name, address, nature of entity, nature, and value of each such direct financial interest; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: *PROVIDED*, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship, and position as trustee held; and

(e) All persons for whom actual or proposed legislation, rules, rates, or standards has been prepared, promoted, or opposed for current or deferred compensation; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity the name of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation; and

(h) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "I am wondering if Senator Grant would yield to a question to see if there might be some other problems. Senator Grant, was an amendment of this kind considered by your committee and if so, what problems did you see in it?"

Senator Grant: "Yes, Senator Bottiger, at the request of Senator Odegaard this measure was considered by the committee and I know that he was there when the committee heard his bill and it was felt, I believe, by a majority of the members of the committee that even though a budget of a small governmental entity may be relatively small, seventy-five thousand dollars or less, that the amount of transactions that might be considered by that small governmental unit might amount to millions of dollars. The potential for conflict for those small governmental units, it was felt by the committee, and the chairman feels this way too, is potentially as great as it is for anybody else in public office and they should be required to report the same as anybody else.

"Now we have, I think, solved some of the problems but obviously not all of them by the amendments that we have proposed here, including the definition of compensation, and I can assure you there will be a continued review of Initiative 276 as additional problems are brought to our attention. If this is a continued serious problem and if a formula can be worked out that can resolve this situation we will certainly give it our careful consideration."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Odegaard yield to a question? Senator Odegaard, I note your amendment says, 'and any elected official.' I am an elected official, you are an elected official, of a local agency. Would you consider your family a local agency? How is

local agency defined in 276? My second question would be, if you put this in you would destroy the effectiveness of 276 for the purposes that I am an insurance salesman and I like to go over there and see how much money these people have, both income and otherwise, or I am a car dealer and I would like to get a list of those people that are able to buy a new car, and you would take a lot of these people out of 276 filings so that I cannot inspect them over there. There are numerous people that like to do business with people that have more than two dollars to rub together and if you take all of these people out you destroy that. We will have a constant stream of people that will be dissatisfied. They go over there and they find that that millionaire that is working on the school board that has a good income, he will not have to file any more because he is an agency that has less than a seventy-five thousand dollar budget. I wonder if you had considered those, particularly the fact that we might make our families the local agency."

Senator Odegaard: "Thank you, Senator. You got a good speech in there with your question. First question, when I had asked bill drafting to draft this bill to exempt out the taxing districts that handle the budgets less than seventy-five thousand and then when the bill came back to me and it used the words 'local agency' I asked them too what exactly does that mean? They said that refers back to certain definitions in present law that define it as taxing districts and as far as I know it has no relationship to the local family, Senator, in 276.

"To your other question, it of course would exempt out the officials that handle budgets less than seventy-five thousand and you, of course, would not be able to see their holdings and so forth and that is the purpose of this amendment, as I have explained, that I did not think they should have to come under the act."

Further debate ensued.

POINT OF INQUIRY

Senator Dore: "A question of Senator Odegaard? Senator, I noticed you refer to any elected official in charge of a budget under seventy-five thousand dollars. Now we have had, I think at the present time and in the past, councilmen and mayors from small cities also serving as state legislators. Under this definition he would not have to file, would he?"

Senator Odegaard: "If he also served in the legislature?"

Senator Dore: "Yes."

Senator Odegaard: "He would because legislators handle, of course, budgets way over seventy-five thousand."

Senator Dore: "Directing your attention to the language, it says, 'Exceptions are any elected official of a local agency where the total annual budget of less than seventy-five thousand dollars.' That is the exemption. So he would be exempt, and the fact that he is a legislator or holds any other positions, he would not have to file. I see no exception in there for that case."

Senator Odegaard: "He would not have to report if he were just a city councilman or soil conservation district commissioner or whatever and handled these small budgets but as I understand this, the way I asked for it to be drafted, he would have to, as a legislator, because he would be handling a budget over seventy-five thousand."

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Odegaard yield to a question? Senator Odegaard, I noticed in your amendment that you have a section where you have to report your bank or savings accounts over five thousand dollars, on page 1, subsection (b), that is in the existing bill. Are we changing that any at all?"

Senator Odegaard: "No, that is the existing language, Senator."

Senator Knoblauch: "Quite frankly, this was my pet peeve. I wish we could change that. I see where this proves nothing. I feel very strongly it is an invasion of your privacy and I wish we could take that out of the bill. It does not prove anything."

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

On motion of Senator Grant, Engrossed Senate Bill No. 3243 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Whetzel: "Senator Grant, this may be clear in this amendment on page 5, line 29, where we talked about compensation not including interest paid by a borrower on loans from a bank or other commercial lender. Could you explain that a little further? I take it that what we mean there is that if the official making this report, if he is an officer of a bank, that he need not report the interest that the borrowers pay to the bank?"

Senator Grant: "Yes, I think that is the intent, Senator Whetzel. That is the intention." Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3243, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Greive—1.

Absent or not voting: Senator Herr—1.

Excused: Senator Metcalf—1.

ENGROSSED SENATE BILL NO. 3243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:50 p.m., on motion of Senator Bailey, the Senate recessed until 4:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

SECOND READING

SENATE BILL NO. 2541, by Senator Talley:

Reducing acreage required to qualify for taxation under timber tax law.

MOTIONS

On motion of Senator Lewis (Harry), Substitute Senate Bill No. 2541 was substituted for Senate Bill No. 2541 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Van Hollebeke, Senator Stortini was excused.

Senator Lewis (Harry) moved adoption of the following amendments:

On page 9, section 2, line 3, after "reimbursement for" strike all of the material down to the colon on line 5 and insert "*such purposes, the remaining amount of the excess shall, in the following year, be distributed to taxing districts including the state in the following manner*"

On page 9, section 2, line 11, strike all of subsection (b) and substitute the following:

"(b) By multiplying the amount of such excess by the harvest factor proportions, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state on or before October 15: PROVIDED, That the state shall subtract from the amount of the regular property tax levy the respective amounts certified by the department of revenue and collect no more than such reduced amount;"

On page 9, section 2, line 16, strike all of subsection (c) and substitute the following:

"(c) The assessor shall subtract from the amount of the regular or special property tax levies of local taxing districts the respective amounts certified by the department of revenue and extend no more than such reduced amount of property taxes upon the tax rolls;"

On page 9, section 2, line 23, after "each" strike all of the material down through "RCW 28A.41.130" on line 30 and insert *"local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber reserve fund such additional one-fourth amount due the state"*

Beginning on page 10, strike all of section 3 and substitute the following:

"Sec. 3. Section 12, chapter 294, Laws of 1971 ex. sess. as amended by section 5, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.120 are each amended to read as follows:

(1) On or before March 1, 1972 and January 1 of each year commencing with 1973, subject to review by the [forest tax committee established pursuant to RCW 84.33.180] *ways and means committees of the house and senate* and after compliance with the procedures set forth in chapter 34.04 RCW for adoption of rules, the department of revenue shall determine the true and fair value of each grade of bare forest land and shall certify such values to the county assessors. Such values shall be determined on the basis that the only use of the land is for growing and harvesting timber, and other potential uses shall not be considered in fixing such values.

(2) In preparing the assessment rolls as of January 1, 1971 for taxes payable in 1972, the assessor shall list each parcel of forest land at a value not to exceed the value used on the 1970 assessment roll for such land. In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him by the department of revenue, and he shall compute the assessed value of such land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. *In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to subsection (3) of RCW 84.33.120 or RCW 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.*

(3) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and subsections (1) and (2) of this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application [with due regard to all relevant evidence without any one or more items of evidence necessarily being determinative] *in the manner prescribed in subsection (3) of section 4 of this 1974 amendatory act.*

(4) [The assessor may in any year commencing with 1972 discontinue assessing and valuing pursuant to the procedures set forth in RCW 84.33.110 and subsections (1) and (2) of this section any land, except designated forest land, for which a higher and better use exists than growing and harvesting timber. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (3) of this section or RCW 84.33.130.] *Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so*

assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard.

The assessor shall remove classification pursuant to subsections (c) or (d) above prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of subsection (a), (b) or (d) above shall apply only to the land affected, and upon occurrence of subsection (c) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (3) of this section or RCW 84.33.130 or to appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (9) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (2) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. On or before May 31 following such assessment date, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as classified forest land.

(8) Any compensating tax unpaid on its due date shall thereupon become delinquent and, together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

(10) With respect to any land that has been designated prior to the effective date of this amendatory act, pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, the assessor may, prior to January 1, 1975, on his own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land."

POINT OF INQUIRY

Senator Dore: "Would Senator Lewis answer a question? Is one of the amendments you are applying, the rollback provision to personal property? It says in the original 1971 act, chapter 294, 'lands classified as forest land were not subjected to a rollback provision. Lands that were designated were subject to a maximum ten year rollback provision.' What does that mean?"

Senator Lewis (Harry): "Senator Dore, the way the present forest tax law acts, when the landowner decides that he wants to put his land under the forest tax bill he applies, he places his land on the tax rolls as forest land. If the assessor does not feel that such lands qualify as forest lands and feels that for one reason or another there is a question, the landowner is required to apply and designate his lands, the word 'designation' which under those conditions then the rollback provisions would apply. If he did not designate and the assessor in most cases just classifies the land, these large blocks of land in the outlying areas, then there was no rollback provision provided for.

"Now there have been questions from the assessors as to the equity of this situation, where there are lands in question as to whether they should be forest land or whether they will stay in forest land production, the assessors argued that there was not true equity unless there was a rollback provision. What we have done by this amendment is apply the same rollback that we have presently in the law on designated land to the classified lands, which is the other method of handling them, so that in every case after the assessor notifies the landowner by certified mail and he will do this first, and he will place a note on the tax rolls that from that point on, which is a year from now, all land which is covered under the forest tax laws of this state will be subject to the rollback provisions as provided in the amendment before you. So the amendment is a little confusing unless you are familiar with the history but in essence what it says is that all forest lands will be subject to rollback provisions and the penalties as outlined in the amendment, starting in 1975."

Senator Dore: "That is what I am trying to get at, the rollback. What are the mechanics of it? Do they go back at the regular rate or what?"

Senator Lewis (Harry): "There is a difference between the rollback provisions in the forest tax law and in the open space law. The forest tax rollback is more severe and has a higher penalty for changing use than does the open space law. Briefly put, the rollback on forest lands would apply as follows: You would take the land value as set by the Department of Revenue in the year that the change from forest land to other use applies. You would then take the assessor's current value of comparable lands and that difference, times the millage, times the number of years under the forest tax act, would then be the penalty. Now there is no interest with this but in our computations, because we are taking the last year under the forest tax act where there is the greatest difference in value because of the gradual appreciation of land over the years, that greater difference when applied would result in a substantially higher penalty than would occur under the open space act upon which the penalty is calculated on a year by year basis and accumulated with interest. Do you understand that?"

Senator Dore: "Not entirely."

Senator Lewis (Harry): "Let me help you. Ask me a specific . . ."

Senator Dore: "In fact, I do not understand it at all. What I am getting at then over-all this is an attempt to have the people who pay this forest tax to pay a rollback which presently they do not do under the existing law except in very limited circumstances. Is that correct?"

Senator Lewis (Harry): "They would not pay a penalty unless they took their land out

from under classification as forest land. Supposing we had somebody with forty acres just on the fringes of Seattle that was classified as forest land, and you could see that development was coming that way and the question in the assessor's mind or your mind might be, 'Is he going to put this under the forest tax act to try to escape the higher cost on an ad valorem basis of land values?' How are we going to know he is not going to do this and not going to try to get away with something that somebody else could not. He would agree to put it in forest land. When he did so he agreed to pay a penalty if he changed the land use. So before he could develop it, before he could realize, that high profit when selling in the difference in value, he would pay the penalty. He would pay the equivalent of all the back taxes plus a higher penalty than he would under the open space act."

Senator Dore: "Under the open space act, if you take it out within less than ten years you pay the penalty. Now what is the provision in the forest tax bill here?"

Senator Lewis (Harry): "It is the same way. If you had it in five years you pay a penalty of the differences between the two values on five . . ."

Senator Dore: "Let me ask you a specific question because I am confused. If I put it under a forest tax act and I take it out in less than ten years, then do I pay the penalties all the way back to year one?"

Senator Lewis (Harry): "Yes."

Senator Dore: "Now after ten years I do not, is that right?"

Senator Lewis (Harry): "You pay up to a maximum of ten."

Senator Dore: "But if I leave it in use more than ten and take it out, then there is no penalty?"

Senator Lewis (Harry): "No, no. You still pay the difference times ten, the same way as in the open space act. Ten years is the maximum multiplier."

Senator Dore: "In other words, after ten years then you just pay the ten years, even though you take it out twenty years later. Right?"

Senator Lewis (Harry): "If you had it fifteen years you would pay the difference in value times ten. The same as the open space act except that it is a higher penalty on a cumulative basis."

POINT OF INQUIRY

Senator Rasmussen: "Senator Lewis, let us assume you are still talking about this same forty acres and I hold it for one hundred years and I do not cut the timber, still standing timber. I decide that I am going to subdivide it so I pay back ten years taxes and that is all, a rollback of ten years. Where do the other taxpayers recover any money on that ninety years that this land was held under the forest tax? He is only paying a very minimal land tax and paying nothing for the increased value of the surrounding property and there is no chance of regaining anything on the capital gains that they have made on this. Explain what happens then. With only the ten year rollback you are speaking of."

Senator Lewis (Harry): "To begin with, Senator Rasmussen, you would have to be a damn fool to hold your timber for one hundred years in today's market. The average cycle in timber areas is between fifty and sixty years, depending on the growing capacity of the soil. In actual fact, the way you would operate your land on today's market is within twenty years you would be going in with the thinning, and you would pay a yield tax on that thinning. You would come back five years later and you would thin again, and you would thin at least three times before you got to your final cut. The investment you have in land, the same investment that you have in land and in protection and in thinning costs and in road costs and so forth are carried and capitalized over all the years. I think that there is no question about the equity if we are going to have forest land in this state. I suspect that what you are driving at, really a much more basic question, is there a difference between forest lands and other lands in the state, and the forest tax bill speaks to that. It says, yes, there is. It says timber has to be treated differently. We have always recognized this in this state and I think we recognize it in this bill and I think that is probably what you are getting to and if you are I cannot answer that question. That is one you have to make up in your own mind."

Senator Rasmussen: "I am agreed on the timber as I am agreed on agricultural projects,

but I am not agreed on the fact that we can allow these people to continue to hold this and achieve a tremendous amount of capital gains on it and not get anything back to help the average taxpayer who is paying his taxes every year."

Senator Lewis (Harry): "Mr. President, let me try to respond, first of all, Senator, if you will take a look in your packet that I put on your desk, I would like to give you an idea of what the tax collections have been on timber and timberland as compared to the total property tax. Is that what you are directing your question to? And timber as a total — the only point I am trying to make is that the percentage of tax that timber pays as compared to the percentage of tax that all other property tax pays excluding timber and timberland in the state, the timber the percentage would increase by one hundred percent from 1967 to 1975. In other words, I am saying that timber has gained by one hundred percent in its proportion of taxes paid, timber and timberlands, from 1967 through to the implementation of this tax bill in 1975 through the ad valorem into the excise tax, and I think that this is a significant shift and if you would look at that chart I think you can recognize what I am saying."

POINT OF INQUIRY

Senator Wanamaker: "Will Senator Lewis yield to another question? Senator Lewis, as I understand this now, there is the property tax which is on the land and then the timber tax is based on the yield at the time of its cutting. Now this rollback then, does that pertain solely to the land or is there a rollback on the timber as well?"

Senator Lewis (Harry): "It applies just to the land, Senator."

POINT OF INQUIRY

Senator Mardesich: "Mr. President, I should like Senator Durkan to yield to a question and then Senator Atwood. Senator Durkan, was the amendment as offered by Senator Lewis considered in Ways and Means, and if so, why was it rejected? Senator Durkan, I assume you are familiar with the contents of Senator Lewis's amendment."

Senator Durkan: "I am, yes, generally familiar with all of them."

Senator Mardesich: "Is there any change from the basic intent of the bill if the Senator Lewis amendment were to be adopted and what change?"

Senator Durkan: "There are probably two basic changes, one is the distribution of the school funds which because of the manner in which we passed 187 last time that we had to correct the distribution of school funds under the present formula. That is the first thing. The second thing that is important is the amendment that he talked on with Senator Dore which makes the bill much more acceptable to local county officials in the fact that designated and classified lands will be treated the same, and those are the two major changes. There are others that are in front of you and you have the same thing that I am looking at, but I could go through those if you want me to."

Senator Mardesich: "Are you familiar with them?"

Senator Durkan: "Pretty much so. I have gone through them. I went through them with the staff."

Senator Mardesich: "Was there any diminution in the revenue which will result from timber sales as a consequence of these amendments?"

Senator Durkan: "To the best of our ability on determining the question of timber revenue in this, this bill is going to increase the yield in total dollars for local communities . . ."

Senator Mardesich: "With respect to all the income, does the amendment have any effect in the reduction of that total income, both the state and local government?"

Senator Durkan: "My answer would have to be no, based upon the sliding formula that you have on the bill, the answer would be absolutely not. We should derive more funds out of the five and one-half percent. It is a direct recommendation of the consultant and it appears to me that everything that we had in that consultant's study is here in the bill."

Senator Mardesich: "Thank you, Senator Durkan."

POINT OF INQUIRY

Senator Mardesich: "And probably addressed to both of you, as I understand the application of the measure, it is tied basically to the base year of 1970. I have hardly glanced at it but this is the quick reaction I get, and it also has in addition to that base year of 1970, a dollar factor which is used as base and lid at the same time. Primarily lid. And if you have a high inflationary period which we are obviously going through now, the government has indicated that inflation in this year will be in excess of eight percent, with the dollar lid that you have here, will it not result in a proportionate percentage decrease in actual revenue to the state and local government?"

Senator Lewis (Harry): "Are you asking me, Senator, or Senator Durkan? I would like to respond to that. At the recommended excise tax rate of five and one-half percent we have said that it would increase to six and one-half percent if the total dollar value of the timber harvested falls below two hundred and fifty-five million dollars."

Senator Mardesich: "Let us say that you cut the same amount of timber and it is worth twice as much this year."

Senator Lewis (Harry): "Actually I said if the harvest falls below two hundred and fifty-five million dollars, the rate would go up. Okay. There is no lid. Actually the harvest value that we expect exceeds four hundred and eighty million dollars. Now in addition to that, we have that reserve fund which is for the purpose of protecting the local taxing districts and that reserve fund has generated more dollars than we said it would by a substantial amount. In every case the report of the Forest Tax Committee has been conservative. We have said the local taxing districts will get at least as much revenue. We have said we estimate we will receive this many dollars and we have received that many more. We do not anticipate and our consultant, as well as the Department of Revenue, as well as Bert Cole's Department of Natural Resources, as well as the private timber growers all agree that the timber harvest value will continue to grow. There is no way, in my view nor in the view of the several economists we talked to, that the timber harvest value could reduce itself. In addition to that, Senator, we have provided in the bill for an annual review by the Ways and Means Committee of the House and the Senate of the applicable rate. We have in addition to that provided that the Department of Revenue may adjust stumpage values twice a year rather than on a once a year basis. So I believe, Senator Mardesich, in answer to your questions, that there is every protection possible that we could anticipate or build in for any eventuality of reduction of revenue for local taxing districts, and our purpose was to go in the other direction and I believe that we have."

Senator Mardesich: "What I guess I really am trying to point out is that with a rapid inflationary period, property taxes will not adjust upward as fast as timber values, as harvest values. It is impossible, simply because of the four year turn around. And that applies here as well. If you have a rapid inflationary period you are not going to reap the dollars out of this tax as you would ordinarily."

REMARKS BY SENATOR DURKAN

Senator Durkan: "I understand Senator Mardesich's question and I think he is partially correct and partially wrong, actually, but the best barometer or indicator is taking the oranges with oranges and that is the timberland and the timber in relation to the total property taxes in the state and how one increases over the other. In 1967 the timberland and timber and just including the excise and surtax was about two percent of the total of all total property taxes excluding timber and timberlands, so it was just about two percent. Under the tax collections as they will be estimated in 1975 they will not only increase from six point seven which is about two percent of the total amount but they will increase the total dollars of about thirty-two million, which is about four percent. So they will have doubled in that period of time. And so it does go up with the inflation factor as far as property taxes are concerned. As a matter of fact it increases."

POINT OF INQUIRY

Senator Murray: "Will Senator Lewis yield to a question? Senator Lewis, I think both

of you have been making the point that the total tax take will increase very substantially and that is true. My question is that according to the Department of Natural Resources the actual value or the average stumpage price, and let us assume that we have a constant cut, increased from a price in December of 1971 of fifty-eight to December of 1973 to a price of one hundred and ninety-four dollars. Now that is triple the actual price for a given amount of timber. Now it may be true that the tax is doubled but if the value of the timber is tripled we are really deriving a smaller percentage of the value of the timber than we were before. The relative value of the land, I believe, in the comparable figures were that the total take was going to be about twenty-five million dollars, the land tax being about three million dollars of that, so proportionately it is relatively insignificant. If the timber has tripled in value the tax has only doubled in value, then you know, our percentage of the value has gone down quite substantially. Now is that intended? Is that part of the policy?"

Senator Lewis (Harry): "No, Senator Murray, the percentage increase in tax collections from 1967 to 1975 on timber and timberlands is three hundred and seventy-nine percent. The increase on all other property tax, excluding timber and timberlands, for the same period of time was one hundred and thirty-seven percent. From 1972 to 1975 the tax collected on timber and timberlands increased by one hundred and thirty-four point three percent. The amount of increase on the remainder of the property tax, excluding timber and timberlands, was twenty-three percent. The question that you are asking about stumpage values is based on an assumption that stumpage values could go down substantially and affect the amount of revenue that comes in. The economists that we talked to felt that stumpage rates would never go below, again, one hundred dollars. The year that you happened to pick out, and I have not seen the figures that you have so it is difficult to comment on them without looking at them directly and studying them, but the significant thing is that the fluctuations in the timber market have had very little to do with the harvest volume over the years and that both the harvest volume and the stumpage values have moved to a higher position and we do not think that they will go down. In the event that the question that you raise were to occur and that you could see a lessening of dollars coming into local taxing districts, we have provided in the bill for a continuing review to make sure that that does not happen. I do not see it happening and I do not think that you have a concern there."

Senator Murray: "No, my question is, we have increased the total dollar take, that is true, no question about it. We have substantially decreased the percentage of the total dollar volume involved. Is that intended? It is not equity as compared to other property taxes."

Senator Lewis (Harry): "Senator, I do not know what you are talking about — an appreciated value on timber over a period of years. You are saying that the value of the timber that is out there has increased so much and therefore we are paying a lesser amount of tax."

Senator Murray: "That is exactly right."

Senator Lewis (Harry): "I question the figures that you are giving. I do not think that they have appreciated that much. Our figures have come from the Department of Natural Resources, they have come from the Department of Revenue, as well as our consultant's figures."

Senator Murray: "Excuse me, you are comparing apples and oranges."

Senator Lewis (Harry): "Senator, I wish you had had the courtesy to bring me these figures before. I would be glad to sit and look at them if you want."

Senator Murray: "I just got them too."

Senator Lewis (Harry): "I do not know what you are looking at. Let me look at them."

Senator Murray: "No, what you have said has to do with the relative value of timberlands as compared to all other lands. A true statement. I do not think there is any question about that being a fact. I am not questioning your figures at all. I am saying that the relationship that we are looking for is the value of timber in 1965 as compared to the value of timber in 1974. That is the relationship we are looking for. Are you still paying the same percentage of tax on the value, whatever that value is, this year that you did two years or four years ago?"

Senator Lewis (Harry): "What you are talking about in reading this, is the Department

of Natural Resources timber sales, monthly average stumpage prices. You are talking about the bid price of timber on the stump as sold at market at a particular time and this thing varies with the demand in the market in and out. You go back to 1971 and show fifty-eight dollars. You show a high of two hundred and fifty-four and here in December of 1973 one hundred and ninety-four. This is really nothing to be concerned about. It is the price of a sale. It would depend on the demand for the product. It would depend on the quality of the timber in that sale and you don't know that these things are necessarily comparable from year to year unless you can examine the specific sales and value them."

Senator Murray: "For a given volume of timber the increase in price would triple the total take. Now you have made the statement that the cut has been the same, regardless of price."

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 2541, together with the pending amendments by Senator Lewis (Harry), was ordered placed as the first order of business on the second reading calendar for Saturday, February 9, 1974.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 152, by Senator Bailey:

Authorizing temporary suspension of cutoff under Senate Concurrent Resolution No. 143.

MOTION

On motion of Senator Bailey, Senate Concurrent Resolution No. 152 was advanced to second reading and read the second time in full.

POINT OF INQUIRY

Senator Bailey: "Mr. President, before you advance the resolution to third reading, I would like to explain the whole process here. I think I went through the Democratic and Republican caucuses before I did this, but Senator Atwood, did you explain it to your caucus?"

Senator Atwood: "I did but our caucus does not want to lift the lid, Senator Bailey."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Let me explain. The reason I have a resolution with it is only to be sure it lifts the rule for one bill. If I could explain the bill, I would like to do so. Under the commitment act we enacted last year, we find now that a person who is incarcerated with mental illness in one of our state hospitals cannot even communicate, or the doctors cannot even communicate with members of their family to tell them the condition, physical or mental, of the patient unless the patient signs a release of medical information. In this case, the one case I have in mind, the patient is so far gone they do not know how to sign a release or anything. This bill would just take care of the next of kin being allowed to have that information when a person was in a mental hospital until such time as a guardian could be appointed to take over. I have a case of an elderly woman who has been there two weeks. The family cannot even get any information on how she is getting along and cannot find out whether she is dying or getting better because she is not able to sign her own release of medical information. I think we need to do this bill. The House will pick it up, I understand, and pass it on through. The bill is now on your desks."

MOTION

On motion of Senator Bailey, Senate Concurrent Resolution No. 152 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3379, by Senators Bailey and Day:

An Act relating to mental illness; amending section 45, chapter 142, Laws of 1973 1st ex. sess. as amended by section 6, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.400; and declaring an emergency.

MOTIONS

On motion of Senator Bailey, Senator Day was permitted as an additional sponsor to Senate Bill No. 3379.

On motion of Senator Bailey, Senate Bill No. 3379 was advanced to second reading and read the second time in full.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think this bill has been explained. If it does any more than what I said it was supposed to do, I did not mean it to do that. Some lawyer slipped a word in here or there, but really it is a very emergent situation and one which you may run into many times in the coming year if we do not do something about it. Unfortunately, the bill that we could have amended went through and was signed about an hour before I got the word that the Department of Social and Health Services would not yield and interpret the law in the same way. Sometimes I think common sense would stop the need for a lot of bills but in this case the department decided they were going to follow the law differently so I think we need this bill."

MOTION

On motion of Senator Bailey, Senate Concurrent Resolution No. 152 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3379 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Francis, Herr—2.

Excused: Senators Metcalf, Stortini—2.

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.

MOTION

On motion of Senator Bailey, Senate Concurrent Resolution No. 152 and Senate Bill No. 3379 were ordered immediately transmitted to the House.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I would like to point out to the members of the Senate that the only other time or the only other person who has ever displayed this kind of raw power, ramming something down our throats like this, was a gal by the name of Julia Butler Hansen. She went to Congress."

MOTION

At 4:45 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Saturday, February 9, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, February 9, 1974.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present except Senators Dore, Metcalf, Twigg and Whetzel. On motion of Senator Sellar, Senator Metcalf was excused. On motion of Senator Scott, Senator Whetzel was excused.

The Color Guard, consisting of Pages Carl Lovsted and Kate Smith, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE THANK YOU FOR THE REST OF THE NIGHT AND THE PROMISE OF A NEW DAY. WE THANK YOU, TOO, FOR OUR ELECTED OFFICIALS WHO HAVE STUCK MANFULLY TO THEIR JOB DESPITE THE DISTRACTIONS OF THEIR AUDIENCE: BLESS THEM NOW AS THEY MOVE TO THE CONCLUSION OF THIS SESSION. HELP THEM TO RECOVER HANDILY FROM THE EMBARRASSMENT OF BEING PUBLICLY FRISKED BY THE NEWS MEDIA - EVEN TO THE REASONABLY THIN WALLET MOST OF THEM SEEM TO BE CARRYING. AND NOW AS THEY BECOME MORE DEEPLY INVOLVED IN BUDGETARY MATTERS, PROVIDE FOR THEM SOUNDER ADVICE IN HANDLING PUBLIC MONIES THAN AT LEAST ONE OF THEM RECEIVED IN HANDLING HIS OWN. AMEN."

MOTION

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

MOTION

On motion of Senator Talley, a copy of the prayer given by Reverend Charles Loyer was distributed to each member's desk.

REPORTS OF STANDING COMMITTEES

February 8, 1974.

SENATE BILL NO. 3345, creating supplemental nutritional program for children in attendance in schools and child development centers (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3345 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Dore, Fleming, Grant, Peterson (Ted), Sandison, Woody.

Passed to Committee on Rules for second reading.

February 8, 1974.

SUBSTITUTE HOUSE BILL NO. 90, providing for filing of personal service contracts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Fleming, Grant, Marsh, Peterson (Ted), Scott, Woody.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

Senator Mardesich: "The other day on the floor I made reference to a newspaper article that Mr. Scates had written. He implied, I thought, that I had a conflict of interest because I had borrowed money from banks and was speaking with respect to a bill relating to banks. I would like to point out to the members of the caucus that the following day Mr. Scates indicated that he felt he was a little out of order there in making that sort of a comment in the press and, not seeing any retraction this morning, I thought I would point out to the body that he did indicate he felt he was, I think the words were, a little out of line there in printing that kind of an article. I do not know why he should feel the way he does about making statements of that sort. I have never pointed out that I felt he had a conflict of interest and say he has never said anything particularly bad about the Governor, and I do not think that is because he owns part of some land jointly with the Governor at all. I do not think that is the reason. I have never pointed out that he might have a conflict there, and I do not know why he did it with respect to me, since I was a member of this body. Nevertheless, I thought I would make it clear that he did apologize."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Scabby Scates is sometimes wrong, but never in doubt."

MESSAGES FROM THE HOUSE

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 289, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 10 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2235,
 SENATE BILL NO. 2408,
 SENATE BILL NO. 2584,
 SENATE BILL NO. 2989,
 SENATE BILL NO. 3023,
 SENATE BILL NO. 3059,
 SENATE BILL NO. 3080,
 SENATE BILL NO. 3122, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 437,
 SUBSTITUTE HOUSE BILL NO. 541,
 HOUSE BILL NO. 556,
 HOUSE BILL NO. 767, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 833, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 569, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 931, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1063, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 1255, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1282, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1525, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1420, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1171, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1044, and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 437,
SUBSTITUTE HOUSE BILL NO. 541,
HOUSE BILL NO. 556,
HOUSE BILL NO. 767.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2572,
SENATE BILL NO. 3002,
SENATE BILL NO. 3055,
SENATE BILL NO. 3075,
SUBSTITUTE SENATE BILL NO. 3117,
SENATE BILL NO. 3130,
SENATE BILL NO. 3144,
SENATE BILL NO. 3159,
SENATE BILL NO. 3366,
SENATE JOINT MEMORIAL NO. 106.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2541, by Committee on Ways and Means (originally sponsored by Senator Talley):

Pertaining to the taxation of timber and forest lands.

The Senate resumed consideration of Substitute Senate Bill No. 2541 and the amendments proposed by Senator Lewis (Harry) on Friday, February 8, 1974.

The motion by Senator Lewis (Harry) carried and the amendments to page 9, section 2, lines 3, 11, 16 and 23 were adopted and the amendment beginning on page 10, striking all of section 3 and substituting new material was adopted.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 10, section 2, line 26, after "February" strike "10" and insert "[10] 20".

Senator Mardesich moved adoption of the following amendment:

On page 2, section 1, lines 8 and 9, strike "five and five-tenths" and insert "six".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Durkan yield to a question? Senator Durkan, the five and one-half that you are talking about and the six that Senator Mardesich is talking about is not effective until such a time as this timber is marketed. Is this correct?"

Senator Durkan: "That is correct. It is an income tax, something that we Democrats have supported over the years. Some of us."

Senator Rasmussen: "In a large, in fact in the majority of cases, it will not be effective on a lot of this growing land until possibly sixty years from now?"

Senator Durkan: "It takes between forty and sixty years to harvest mature timber, dependent upon the type of timber and the location of the timber. Yes, that is correct, Senator."

Senator Rasmussen: "And a large portion of our timber has already gone overseas, major portion of it, to foreign markets?"

Senator Durkan: "The citizens of this state settled that by initiative, that they did not want to restrict the shipment of logs overseas. That was a highly fought initiative, if you recall. The majority of the people voted in favor of shipment."

Senator Rasmussen: "So that the tax will only become effective in the majority of cases in about sixty years from now?"

Senator Durkan: "No, that is not true because in the state of Washington we have constant rotation. . . ."

Senator Rasmussen: "There will be some, yes?"

Senator Durkan: "Of cutting and growing of timber and the volume, hopefully, that this is the type of a bill that is going to encourage reforestation practices and those things which will continue to make a viable industry out of the forest practices (sic) industry."

Senator Rasmussen: "What you are saying, though, is that the normal sales tax now is about five and one-half percent. Senator Mardesich is proposing, in the case of timber that has had this long delay, of raising it up one-half percent to six percent?"

Senator Durkan: "That is right."

Senator Rasmussen: "I would think that Senator Mardesich has a reasonable proposal and it should probably be adopted because nowhere in this bill have I found any section related to the increased value of the land plus the timber that is not cut, and I do not think it is taken care of in this bill."

Senator Durkan: "We are talking about a yield tax. The legislature had decided not so many years ago that we were willing to take at harvest a yield tax or an income tax. That was the type of taxing treatment that we were going to give the forest industry. We decided that. What we are talking about today is the rate that is to be imposed. . . ."

Senator Rasmussen: "Is the cutting tax."

Senator Durkan: "So they will pay their fair share. We think — and obviously it is arguable here on the floor — we think that five and one-half percent is sufficient initially for the amount of the tax. It may well be that if the volume goes down in cutting that the tax will have to go up, or vice versa, but we think with the information that we have from the Department of Natural Resources, from the Department of Revenue and from the consultant that five and one-half percent is a fair tax. That is why I support it."

POINT OF INQUIRY

Senator Dore: "Will Senator Lewis yield to a question? What was the total amount of taxes paid by the timber companies last year and under your amendment, what will the projected amount of taxes be that we will receive next year? Or better yet, what is the difference between five and one-half percent and six? What is the difference between the bill as written and Senator Mardesich's amendment?"

Senator Lewis (Harry): "It is about two and one-half million dollars, Senator Murray advises me. Two and one-half million dollar increase."

MOTIONS

On motion of Senator Scott, Senator Twigg was excused.

Senator Dore moved adoption of the following amendment to the amendment by Senator Mardesich:

After "six" on line 2 of the Mardesich amendment to page 2, lines 8 and 9, add "*and one-half*".

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Durkan: "Do we vote on Senator Dore's amendment first?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "And then Senator Mardesich's."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Murray yield to a question? Senator Murray, apparently you are the latest one to become educated on this and you indicated if the tax was to be six or six and one-half percent that it would put the little landowner out of business. On what do you base this?"

Senator Murray: "I think the small landowner is the one who can least afford to carry the total situation over the twenty to sixty year growth period to bring his crop to harvest, and he is the one who will not have the working capital to be in this really long range business so that at the point in time when he does have to pay that tax in addition to the land tax that he has been paying and so on, will be the hardest hit. The large timber companies have adequate working capital to carry them even under the old system. They have had no problem with it, but I think it does make a difference to the small operator at the present time."

Senator Rasmussen: "You indicate by your speech that you thought they were going to pay this six and one-half percent every year. Is it true that this tax will only come at the time that the timber is cut?"

Senator Murray: "This tax would come only at the time it is harvested. By the same token there is a tax on the land that is paid annually just as we pay any real estate tax."

Senator Rasmussen: "At the time that you are getting whatever the amount is, whether it be sixty or a hundred dollars a thousand, probably sixty years from now it will be three or four hundred dollars a thousand for timber, this tax is not going to throw anybody out of business because it is only going to be put on at the time that the timber goes to market?"

Senator Murray: "No, the test really would be the small landowner who has had a sixty year crop under the old system, who has been paying the ad valorem taxes for the last fifty-nine years, and now harvests it this year."

Senator Rasmussen: "Very small tax."

Further debate ensued.

POINT OF INQUIRY

Senator Dore: "Would Senator Rasmussen yield to a question? Senator, you indicated you thought a compromise would be in order between the five and one-half and six and one-half percent. You thought Senator Mardesich's amendment was just right. Is that what you said?"

Senator Rasmussen: "I thought that it was a reasonable amount, yes, because we had heard that six and one-half percent was to be the figure and then it comes out that it is five and one-half percent. Senator Mardesich has taken a moderate approach and I thought that his was reasonable."

Senator Dore: "That is the figure you are going to support then. Is that correct?"

Senator Rasmussen: "Six percent."

There being no objection, the amendment by Senator Dore to the amendment by Senator Mardesich was withdrawn.

Senators Mardesich, Sandison and Washington demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Metcalf, Twigg and Whetzel, who had previously been excused.

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

Senator Mardesich demanded a roll call on the amendment to page 2, section 1, lines 8 and 9 by Senator Mardesich, and the demand was sustained by Senators Durkan, Sandison, Day, Connor, Mardesich, Donohue, Talley, Rasmussen and Van Hollebeke.

ROLL CALL

The Secretary called the roll and the amendment by Senator Mardesich was not adopted by the following vote: Yeas, 15; nays, 30; excused, 3.

Voting yea: Senators Connor, Day, Dore, Fleming, Francis, Grant, Greive, Herr, Keefe, Mardesich, Marsh, Rasmussen, Ridder, Van Hollebeke, Washington—15.

Voting nay: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Donohue, Durkan, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Woodall, Woody—30.

Excused: Senators Metcalf, Twigg, Whetzel—3.

Senator Mardesich moved adoption of the following amendment:

On page 2, line 17, after the period insert "*During the year 1977 and for each year thereafter the tax shall be increased by one-tenth of one percent for a period of twenty-five years.*"

Debate ensued.

Senator Mardesich demanded a roll call on the amendment to page 2, line 17, and the demand was sustained by Senators Woody, Day, Washington, Greive, Bailey, Grant, Fleming, Van Hollebeke and von Reichbauer.

ROLL CALL

The Secretary called the roll and the amendment by Senator Mardesich was not adopted by the following vote: Yeas, 16; nays, 30; excused, 2.

Voting yea: Senators Connor, Day, Dore, Fleming, Francis, Grant, Greive, Herr, Keefe, Mardesich, Marsh, Rasmussen, Ridder, Van Hollebeke, Washington, Woody—16.

Voting nay: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Donohue, Durkan, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Stortini, Talley, Twigg, von Reichbauer, Walgren, Wanamaker, Woodall—30.

Excused: Senators Metcalf, Whetzel—2.

MOTION

On motion of Senator Durkan, Engrossed Substitute Senate Bill No. 2541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2541, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day,

Donohue, Durkan, Greive, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Twigg, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—38.

Voting nay: Senators Dore, Fleming, Francis, Grant, Herr, Mardesich, Ridder, Van Hollebeke—8.

Excused: Senators Metcalf, Whetzel—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2541, having received the constitutional 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 Lewis (Harry), Engrossed Substitute Senate Bill No. 2541 was ordered immediately transmitted to the House.

SECOND READING

HOUSE BILL NO. 1276, by Representatives Charette, Eikenberry and Kelley (by Attorney General request):

Defining exempted transactions under the consumer protection act.

POINT OF ORDER

Senator Day: "House Bill No. 1276 does not concern itself with any of the subjects which are contained in the concurrent resolution which set the cutoff as five p.m. February 7."

PARLIAMENTARY INQUIRY

Senator Durkan: "Speaking to Senator Day's point of order, I understand by two-thirds vote we can consider this measure. Is that correct under our rules?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I do not think so, Senator. I think your point is not well taken because it is a concurrent resolution which set these standards and there is no possible way that we can go over and take a two-thirds poll of the House real quick."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, at the time this bill was under consideration prior to the cutoff, the point was raised — I believe by Senator Mardesich — to the then presiding officer Lieutenant Governor Cherberg, that we would go ahead and if the bill received a two-thirds or more majority we would attempt to get a two-thirds majority of House and Senate amendment to the concurrent resolution. He indicated that we would go ahead and pass or at least vote on all of these matters which he regarded as being on a more or less consent calendar and although we may not be able to get the two-thirds vote here, I think that it would be consistent with the ruling at that time which was the justification for putting the bill over that we go ahead with it."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in reading Senate Concurrent Resolution No. 143, cannot find anything that talks about using two-thirds except for introduction of a bill."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, what I was talking to while somebody else was talking to you was that this body had at a time when I think it is binding on the body and upon the presiding officer done something because of an understanding that we would be able to proceed with it after the cutoff. Now that was the reason we postponed consideration at the time and as such I think we ought to continue with what we in my opinion bound ourselves to do."

POINT OF ORDER

Senator Day: "Mr. President, then I would be forced to raise a further point of order that you mentioned a moment ago, that this single body cannot amend a concurrent resolution or its intent without the concurrence of the other body."

REMARKS BY SENATOR DURKAN

Senator Durkan: "Speaking to Senator Day's point of order, yesterday under the leadership of Senator Bailey we did take a resolution and attach a bill to it and sent it on over to the House of Representatives, which permits them then to consider the resolution and also the bill. So my further point of order would be that it has been done and still can be done."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, speaking to that, the gentleman had every opportunity to raise an objection and failed to do so."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I am going to confuse you further. I have to oppose Senator Durkan on this because my bill yesterday was a Senate bill that had to have two-thirds support in this house and has to go to the other house and receive two-thirds support in order to set aside the concurrent resolution. Now this is a House bill. If the Senate adopts it by two-thirds vote it means that we alone adopt and suspend the joint rule and it does not go back to the House except for an amendment. I think it is a different situation."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Members of the Senate, it seems to me that we could have a resolution which would allow this body to vote on this particular bill. It would not be effective unless the House also concurred in the resolution. It seems to me that this is the place to use this means because I think I recall rather clearly that when this issue did come up that the Lieutenant Governor, the presiding officer at that time, did indicate to the body that this could be put over and if it carried by a two-thirds vote it would be possible to be done. But there is a way to do it which would be a resolution, then pass the bill and if the House concurs in the resolution, we are clear."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "This is not a resolution, Senator. This is a House bill that has already passed the House. I agree that there is a way to bend the law to do most anything if you want to do it badly enough."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "I think under the rules, or having no rules, I would make an oral resolution that we resolve that this bill be passed by a two-thirds vote. I do not think I have

worded that resolution too happily, but perhaps we could hold this matter on the calendar for a half hour and we could come up with a resolution.”

POINT OF ORDER

Senator Bailey: “I rise to a point of order on Senator Washington’s motion. I think that if we do this we have to have it in writing. It has to go to the House and be passed by the House before we can consider the bill. Now if the bill can be passed there is no harm in that because it probably then comes outside the resolution anyway, but I do not see how we can pass an oral resolution to be sent to the House on an oral resolution. Lord knows what they will say when they get up and make their oral resolution. We have to have it in writing and pass it by two-thirds and go to the House and have it passed before we can consider the bill.”

MOTION

On motion of Senator Mardesich, House Bill No. 1276 was made a special order of business immediately following the noon recess today.

SECOND READING

ENGROSSED HOUSE BILL NO. 1147, by Representatives Hansey and Berentson:
Changing the population requirements for a full time justice of the peace.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 1147 was referred to the Committee on Rules.

SECOND READING

HOUSE BILL NO. 1258, by Representatives North (Lois), Knowles, Polk and Smith:
Requiring interest to be paid by the state and its political subdivisions on judgments arising out of their tortious conduct.

MOTION

On motion of Senator Mardesich, House Bill No. 1258 was referred to the Committee on Rules.

MOTION

On motion of Senator Mardesich, the Senate immediately commenced consideration of Engrossed House Concurrent Resolution No. 62.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, by Representatives Adams, Parker and Wojahn:

Requiring the department of social and health services develop a cost-related reimbursement system for nursing homes.

REPORT OF STANDING COMMITTEE

February 4, 1974.

*ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, requiring the department of social and health services develop a cost-related reimbursement system for nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 21, after "develop" strike "by January 1, 1975" and insert "respecting public assistance recipients,"

On page 2, line 24, section 5, after "or" strike "after January 1, 1975, but no later than March 1, 1975," and insert "April 1, 1974,"

On page 2, line 28, section 5, after "be" strike "presented to" and insert "approved by".

Signed by: Senators Day, Chairman; Clarke, Connor, Francis, Jones, Murray, Ridder, von Reichbauer.

The resolution was read the second time in full.

On motion of Senator Day, the committee amendments were adopted.

On motion of Senator Day, Engrossed House Concurrent Resolution 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.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 62, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 46; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—46.

Excused: Senators Metcalf, Whetzel—2.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 2701, by Senator Matson:

Relating to a migrant worker labor camp demonstration project.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2701 was ordered to hold its place on the second reading calendar for Monday, February 11, 1974.

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

SECOND READING

SENATE BILL NO. 2705, by Senators Peterson (Lowell) and Peterson (Ted):

Relating to food fish and shellfish.

MOTIONS

On motion of Senator Peterson (Lowell), Substitute Senate Bill No. 2705 was substituted for Senate Bill No. 2705, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson (Lowell), the following amendment was adopted:

On page 3, section 4, line 19, after "by" strike all the material down through line 9 of page 4 and insert "[the fifteenth day of the month in which the fees become due, the fees shall become delinquent and the schedule of penalties stated below shall be invoked. A return of remittance which is transmitted to the director by United States mail shall be

deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it. The following shall be the schedule of penalties to be assessed for delinquent payments of such fees:

(1) Sixteen through thirty days after due date – Add ten percent of total fees due but not less than one dollar.

(2) Thirty-one through sixty days after due date – Add twenty percent of total fees due but not less than two dollars.

(3) Sixty-one through ninety days after due date – Add twenty-five percent of total fees due but not less than three dollars.

(4) Ninety-one days or more after due date – Add twenty-five percent of total fees due (but not less than three dollars) plus eight percent interest per annum computed on the sum of the total fees due and the percentage penalty.

The delinquent fees together with the applicable penalties and accrued interest thereon shall constitute a first lien upon the cannery, packing plant, buildings, scows, boats, vehicles and other equipment used by the person or business owing the fees in the taking, handling, dealing in, dealing with, or processing of food fish or shellfish.] *the department of revenue by the last day of the month due, penalties shall be assessed as provided in RCW 82.32.090.*"

Senator Rasmussen moved adoption of the following amendment:

On page 5, after section 7, beginning on line 9, add new sections as follows:

"Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 7, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.130 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing troll lines in the taking of salmon shall be one hundred *and twenty-five* dollars per annum. Each license shall entitle the licensee to use six or less troll lines.

The fee for all licenses prescribed in this chapter employing troll lines in the taking of food fish, other than salmon, shall be twenty-seven dollars and fifty cents per annum. Each license shall entitle the licensee to use six or less troll lines.

NEW SECTION. Sec. 9. There is added to chapter 75.12 RCW a new section to read as follows:

Any vessel licensed as a commercial troller may use either fixed or hand-held gear: **PROVIDED**, That vessels using hand-held gear must prominently display a permanently affixed distinguishing marking in a form and manner determined by the director.

NEW SECTION. Sec. 10. There is added to chapter 75.12 RCW a new section to read as follows:

No commercially licensed troll vessel using hand-held gear, shall be used for angling for personal use during the commercial troll salmon season in coastal fishing areas nor in contiguous areas closed to commercial troll salmon fishing.

NEW SECTION. Sec. 11. Section 1, chapter 23, Laws of 1969 ex. sess. and RCW 75.12.650 are each hereby repealed.

NEW SECTION. Sec. 12. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator Bailey: "Mr. President, before we proceed I raise the question of scope and object of this amendment. This amendment relates to defining the type of fishing gear. It has nothing to do with the landing fees, and I think it is an effort to circumvent and put into this Senate a bill that did not come out of the Rules Committee. I think that it clearly exceeds the scope and object of the original bill."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, speaking to the point of order raised by Senator Bailey regarding the scope and object, this clearly comes under the provisions of Senate Bill

No. 2705, which is transferring to the Revenue Department the collection of all fees by the Fisheries Department. This in addition provides that the fee instead of one hundred dollars shall be one hundred and twenty-five dollars for all commercial fishing licenses, and it directly relates to the revenues which the department is going to collect and in the committee it was suggested that the fee be increased to one hundred and fifty dollars. This again is taking the moderate approach and increasing the fees to one hundred and twenty-five dollars. I urge that the President study the subject and say that it relates to the bill in question, which it clearly does."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "I wish to concur in Senator Bailey's remarks. The actual prime purpose of this bill is to give the Department of Revenue the power of audit and the testimony in Ways and Means that it will produce five hundred thousand dollars in revenue because as of now one one is auditing this collection of fees. It has nothing to do with setting of them. It is an audit bill and that is what its prime purpose was, and I think that Senator Bailey's point is well taken. If you start setting fees in this bill, it would be way beyond the purpose of this basic bill."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Speaking further on the scope and object, I do not exactly question Senator Rasmussen on fees, but I do question the wording on line 18 where it changes the definition of gear for different types of fishing. Now that is the secret to the whole effort here to sneak around the left end or the back end or something, but I think there is nothing in the original bill that relates to redefining the type of gear that is to be used and this is clearly an effort to bring into this a bill that the Governor vetoed last session and which also was held in the Rules Committee."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Senator Bailey is bringing in a number of extraneous matters which have no relation to the subject under consideration as to whether the Governor had vetoed anything at all. Certainly we are not as a body upholding the Governor's vetoes as being perfectly proper. All of our arguments have been the other way. So I do not want to touch on that subject. But I will say that this does relate to the revenue that they are going to collect. It will amount to some fifty to seventy-five thousand dollars in additional revenue for the Fisheries Department and it will be the duty of the Revenue Department to collect it, so, Senator Atwood, I think it does relate to the bill in question."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President in reading the bill finds the underlined matter only refers to the changing to the Department of Revenue the catch fees as formerly collected by the Department of Fisheries, and the amendment deals with licensing fees of different types of gear. Under the tight rule of scope and object that both the Lieutenant Governor and I have maintained over the past few years, Senator Bailey's point is well taken."

The amendment by Senator Rasmussen was ruled out of order.

On motion of Senator Peterson (Lowell), Engrossed Substitute Senate Bill No. 2705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2705, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—44.

Absent or not voting: Senators Lewis (Harry), Woodall—2.

Excused: Senators Metcalf, Whetzel—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2705, having received the constitutional majority, 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. 1269, by Representatives Conner and Savage:
Adding additional judge for counties of Clallam and Jefferson jointly.

MOTION

On motion of Senator Mardesich, House Bill No. 1269 was referred to the Committee on Rules.

SECOND READING

HOUSE BILL NO. 1238, by Representatives Conner, Anderson and Berentson:
Providing for permits for logging trucks.

MOTION

On motion of Senator Mardesich, House Bill No. 1238 was referred to the Committee on Rules.

SECOND READING

HOUSE BILL NO. 1516, by Representatives McCormick and Luders:
Expediting certification of thermal power plant sites and lines.

MOTION

On motion of Senator Mardesich, House Bill No. 1516 was ordered to hold its place on the second reading calendar for Monday, February 11, 1974.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 3170.

SECOND READING

SENATE BILL NO. 3170, by Senators Walgren, Bottiger, Matson, Marsh, Dore and Bailey:

Enacting emergency energy legislation.

MOTIONS

On motion of Senator Walgren, 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 in full.

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

On page 3, section 3, line 12, after "Members" insert "shall be confirmed by the senate and"

Senator von Reichbauer moved adoption of the following amendment:

On page 5, line 14, insert a new section 8 as follows:

"NEW SECTION. Sec. 8. Any person convicted by any state or federal court of a restraint of trade or commerce in a petroleum product which restraint created an artificial shortage in such product shall be liable for civil damages as provided in RCW 19.86.090 to any individual, partnership, corporation or governmental agency, with whom such person had a contract at the time an order was issued or an action taken pursuant to this chapter which impaired the contract rights of such individual, partnership, corporation or government agency."

Re-number the remaining sections consecutively.

POINT OF INQUIRY

Senator Canfield: "Would Senator von Reichbauer yield? Are you a lawyer, Senator?"

Senator von Reichbauer: "Fortunately no, sir."

Senator Canfield: "Neither am I, so maybe we can talk common people's language."

Senator von Reichbauer: "Very good, sir."

Senator Canfield: "I think that I would agree with the concept of your amendment, but I am just wondering if - supposing you ran a service station or you are a wholesaler here in Olympia and the parent company that supplies you would get convicted. Would that conviction carry on down to you as a minor supplier?"

Senator von Reichbauer: "No, sir, it would not. It would deal with the company that was guilty of the conspiracy. It would have no effect upon the dealer."

Senator Canfield: "Well, if he were a part of that company, would he be guilty?"

Senator von Reichbauer: "In a criminal case it would deal with the intent and the intent would be on the part of the company, not with the dealer."

Senator Canfield: "Well, I hope you are correct."

Senator von Reichbauer: "It is good to talk to a non-lawyer here in the Senate."

POINT OF INQUIRY

Senator Francis: "Mr. President, would Senator von Reichbauer yield? Senator von Reichbauer, I will try to keep my questions in the language of the common people also, whatever that means. You said that section 8 was necessitated by section 7 of the bill. I see that section 7 requires that people furnishing energy fuels comply with committee orders immediately and exempts them from liability for compliance with orders. Now are you saying that section 8 somehow or other changes that and does that take away their exemption from complying with the order of the energy commission?"

Senator von Reichbauer: "Again, I read this bill yesterday as a non-lawyer and I recognize that the existing laws under everyday situations do protect the people against the conspiracy but it was my reading of section 7 of Substitute Senate Bill No. 3170 that there might be a loophole here and this is my intent to protect the public."

Senator Francis: "Are you saying then that you are protecting the public by closing the loophole, which loophole is that when a person obeys the orders of the energy commission in our state he is exempt from being accused of restraint of trade by obeying those orders to maybe close his gas station on Sunday or something? Are you saying that section 8 changes that exemption and takes it away and that is how it closes the loophole?"

Senator von Reichbauer: "If he was guilty of a conspiracy it would, but if he is not guilty of a conspiracy he is not affected by it, obviously."

Senator Francis: "Mr. President, I think that there are some serious questions raised by this amendment. I will listen to further debate on the subject."

MOTION

At 11:55 a.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SPECIAL ORDER OF BUSINESS

SECOND READING

HOUSE BILL NO. 1276, by Representatives Charette, Eikenberry and Kelley (by Attorney General request):

Defining exempted transactions under the consumer protection act.

The time having arrived, the Senate resumed consideration of House Bill No. 1276 and the Point of Order raised by Senator Day earlier today that House Bill No. 1276 does not concern itself with any of the subjects contained in the concurrent resolution setting the cutoff date and time as five o'clock p.m. on February 7, 1974.

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The point of order raised by Senator William S. Day of Spokane. . . the President ruling upon the point of order believes that his point is well taken. The bill is not alive under the concept of the joint concurrent resolution. The bill is dead."

PERSONAL PRIVILEGE

Senator Durkan: "Mr. President, I have been assured by Senator Day that this bill is not just dead, that there will be active participation on his behalf in working on a solution that will help the consumer act to be alive and that we will be able to do something on that between now and April."

POINT OF INQUIRY

Senator Atwood: "Will Senator Durkan yield? It is my understanding that the Attorney General still has this case pending in the Supreme Court. Is that correct?"

Senator Durkan: "That is correct."

Senator Atwood: "I think it would be wise to wait until they give us a reading on exactly what the powers are. I am in favor of the bill, but I think since this is in the process of being litigated, it probably should have a reading from the Supreme Court and we could do a much better job on redefining what the Attorney General can do in these areas of consumer protection."

Senator Durkan: "I agree, but the Senate I hope will understand and the public will know that the Senate is not just brushing this aside."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "In the course of the arguments presented on the motion earlier, the statement was made on two or three occasions that the President of the Senate had ruled that anything that started before five o'clock would still remain alive. I have verbatim his statement taken from the tape: 'The President believes this will be alive after five o'clock today, but only today as a special order of business.' So this is not arbitrary and capricious on my part."

PARLIAMENTARY INQUIRY

Senator Jolly: "In the event that we recess now and come back again in April, would not the same ruling be under effect on these bills in April as they are now?"

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think, my own personal opinion, and having no rules to back it up, I would say that it would be incumbent upon the leadership to come up with a concurrent resolution in the April session that would handle this matter."

PERSONAL PRIVILEGE

Senator Day: "Mr. President, lady and gentlemen of the Senate, when this bill came on the floor it was obvious that it was an all-encompassing measure and I think that the intent of the Attorney General, as I read the letter he has now sent to me, was to place under the scope of these particular acts for consumer protection, things outside of the licensed and policed areas of professions. Now the way this was written it obviously was much broader than that and some of these professions specifically have their own disciplinary acts. In fact, this session we did pass through a bill which has passed this Senate three times now relative to naturopathy, which does give them a disciplinary procedure. I believe that between now and April we can work out a satisfactory defining of the area that the Consumer Protection Act should apply to for any practitioner who exceeds the scope of his license or who transgresses in a manner which would not be encompassed by the disciplinary proceeding that does discipline his particular profession. That way there will be assurance that the consumer protection will not be utilized to the advantage of some professions and the disadvantage of others."

POINT OF INQUIRY

President Pro Tempore Henry: "Senator Day, in order to speed up my answering a couple of letters, what happened to the naturopathy bill?"

Senator Day: "It died in the House."

POINT OF INQUIRY

Senator Dore: "Mr. President, maybe it is a little late in the game, but I did ask our attorney, Max Nicolai, to draft an amendment on this bill to focalize on what we are trying to do, to give the Attorney General the jurisdiction over fraudulent practices and representations of motor vehicle dealers and salesmen, and it seems to me that this solves all the problems I had with it. I think it should solve all of Senator Day's problems in that if you would withdraw your point of order I think we could put this on and you would not have any difficulty, Senator."

Senator Day: "Mr. President, in answer to the gentleman's question, Senator Dore, Senator Atwood stated there is a case under litigation over here and that by April I believe that we will be in a position to have completely looked into the thing because the way it is presently written I am not certain that your amendment does satisfy all of the objections, and you can be assured of this, that I will take a good look at it myself and when we come back here in April we can get at this and do it properly."

MOTION

On motion of Senator Mardesich, House Bill No. 1276 was referred to the Committee on Rules.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3170, by Senators Walgren, Bottiger, Matson, Marsh, Dore and Bailey:

Enacting emergency energy legislation.

The Senate resumed consideration of Substitute Senate Bill No. 3170. Prior to the noon recess today, an amendment by Senator Walgren to page 3, section 3, line 12 was adopted and an amendment by Senator von Reichbauer to page 5, line 14 was moved for

adoption. There being no objection, the amendment proposed by Senator von Reichbauer was withdrawn.

On motion of Senator von Reichbauer, the following amendment was adopted:

On page 5, section 7, line 8, after "taking" insert "lawful".

Senator Mardesich moved adoption of the following amendment:

On page 3, section 3, line 20, after "committee" insert ", other than legislative members,"

On motion of Senator Day, the following amendment to the amendment by Senator Mardesich was adopted:

Amend the Mardesich amendment to page 3, line 20, after "members," insert "shall be subject to the provisions of Initiative 276, and".

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

On motion of Senator Mardesich, the following amendments were adopted:

On page 3, section 3, line 21, strike "one hundred" and insert "forty".

On page 3, section 3, line 24, after the period insert "Legislative members shall be reimbursed according to the provisions of RCW 44.04.120."

On page 4, section 4, line 11, after "localities." insert a new subsection as follows:

"(6) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the committee, or any person appointed by it in writing for the purpose may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105."

Renumber old section (6) as (7).

On page 4, section 5, line 31, after "such as" insert "governmental operations,"

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 3170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3170, and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Bottiger, Canfield, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—31.

Voting nay: Senators Atwood, Clarke, Francis, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Woodall—14.

Absent or not voting: Senator Murray—1.

Excused: Senators Metcalf, Whetzel—2.

ENGROSSED 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.

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

MESSAGES FROM THE HOUSE

February 8, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1144, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 8, 1974.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 10,
 HOUSE BILL NO. 289,
 SUBSTITUTE HOUSE BILL NO. 569,
 SUBSTITUTE HOUSE BILL NO. 833,
 HOUSE BILL NO. 931,
 HOUSE BILL NO. 1044,
 SUBSTITUTE HOUSE BILL NO. 1063,
 HOUSE BILL NO. 1144,
 HOUSE BILL NO. 1171,
 HOUSE BILL NO. 1255,
 HOUSE BILL NO. 1259,
 SUBSTITUTE HOUSE BILL NO. 1268,
 HOUSE BILL NO. 1282,
 HOUSE BILL NO. 1420,
 SUBSTITUTE HOUSE BILL NO. 1525, and the same are here transmitted.

DEAN R. FOSTER, Chief Clerk.

February 9, 1974.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2572,
 SENATE BILL NO. 3002,
 SENATE BILL NO. 3055,
 SENATE BILL NO. 3075,
 SUBSTITUTE SENATE BILL NO. 3117,
 SENATE BILL NO. 3130,
 SENATE BILL NO. 3144,
 SENATE BILL NO. 3159,
 SENATE BILL NO. 3366,
 SENATE JOINT MEMORIAL NO. 106, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 10,
 HOUSE BILL NO. 289,
 SUBSTITUTE HOUSE BILL NO. 569,
 SUBSTITUTE HOUSE BILL NO. 833,
 HOUSE BILL NO. 931,
 HOUSE BILL NO. 1044,
 SUBSTITUTE HOUSE BILL NO. 1063,
 HOUSE BILL NO. 1144,
 HOUSE BILL NO. 1171,
 HOUSE BILL NO. 1255,
 HOUSE BILL NO. 1259,
 SUBSTITUTE HOUSE BILL NO. 1268,
 HOUSE BILL NO. 1282,
 HOUSE BILL NO. 1420,
 SUBSTITUTE HOUSE BILL NO. 1525.

MOTION

At 2:05 p.m., on motion of Senator Bailey, the Senate recessed until 3:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.
There being no objection, Senator Durkan was excused.

SECOND READING

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 105, by Committee on Constitution and Elections (originally sponsored by Senators Washington, Grant, Ridder, Metcalf and Whetzel):

Amending the Constitution to provide for annual, interim and extra legislative sessions and to allow the legislature to increase members' salaries.

MOTIONS

On motion of Senator Grant, Second Substitute Senate Joint Resolution No. 105 was substituted for Engrossed Substitute Senate Joint Resolution No. 105 and the second substitute resolution was placed on second reading and read the second time in full.

On motion of Senator Grant, Second Substitute Senate Joint Resolution No. 105 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 Atwood: "Would Senator Grant yield? In Second Substitute SJR 105 it says, 'Under such rules as the legislature may adopt.' We did adopt some rules back in the regular session but we have been operating here all this time without rules. What happens if there are no rules adopted? Just majority rules, is that your reading of it?"

Senator Grant: "This constitutional language would not speak to that, Senator Atwood."

Senator Atwood: "You did not have anything in mind then?"

Senator Grant: "No, I would hope that the legislature itself would set certain statutes forth whereby the standing committees during the interim would have certain ground rules under which they would have to operate. I think that is one of the weaknesses perhaps we have now but it does not require that. We are not required in session apparently to operate under any rules either."

Further debate ensued.

POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Grant yield? Senator Grant, now that we have the continuing legislative concept I am wondering, how did you determine the ninety days? We did take ninety-eight days here a year ago, but why did you leave the sixty days? We did have sixty days and then we went to the thirty and with this continuing concept, with the two mini-sessions thrown in between, I wondered why you got the figure of ninety days rather than staying with the old sixty days?"

Senator Grant: "As you indicated, Senator Peterson, the session last year was ninety-nine days or something like that, ninety-eight, and it was the feeling of the committee and I think it was the feeling of the Senate generally that in the odd numbered years that that is about what we have been spending, a combination of the two years, about one hundred and fifty days since about 1967; during a biennial period we have been spending about one hundred and fifty days in session in floor work. That is an even number. If we have additional business that is not completed, or course the Governor still has his right to call us back into session. Further, we have the authority ourselves by a two-thirds vote to call an additional session. If we do so, that is limited to thirty days. It could have made it one hundred days and fifty days, or whatever figure you would pick, but I think that most annual session provisions have ninety/sixty or ninety/forty-five or something of that nature."

Senator Peterson (Ted): "Mr. President, may I continue. I just questioned this because when we took the longer time the public was critical of us and then when we came back for the additional thirty days we finalized and did so much, and also in the mini-session we passed out forty bills and we were congratulated for having taken hold and done a real job where we were criticized for staying down here the ninety or one hundred days."

Senator Grant: "May I respond just very briefly to that? It pains me somewhat that we are subject to criticism whether we stay here five days or ninety days or one hundred and fifty days, and I would like to just quote perhaps from John Kennedy. It does not relate directly to this but I think it is something that we ought to continue to consider. John Kennedy said on February 19, 1959, 'The cost of doing the job right is not more than we can afford. It may not be cheap or easy or popular but we cannot afford to do less.' And I think that is my response to those who are critical of the time that is spent in doing the people's business. The time is spent well and the money is spent well if we do the job right."

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Joint Resolution No. 105, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—42.

Voting nay: Senator Peterson (Ted)—1.

Absent or not voting: Senators Donohue, Matson—2.

Excused: Senators Durkan, Metcalf, Whetzel—3.

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 105, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Francis, Senator Greive was excused.

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

MESSAGE FROM THE HOUSE

February 6, 1974.

Mr. President: The House has passed SECOND REENGROSSED SENATE BILL NO. 2004, with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. For the purposes of this chapter:

(1) "Commission" shall mean the state gambling commission established by RCW 9.46.040.

(2) "Lottery" or "state lottery" shall mean the lottery established and operated pursuant to this chapter.

(3) "Director" shall mean the director of the state lottery.

NEW SECTION. Sec. 2. The department of motor vehicles shall provide such office, administrative, and legal services as are required by the commission and the director of the state lottery to carry out the provisions of this chapter. However, the costs of such services shall be paid for by the director of the state lottery from moneys placed within the revolving fund created by section 20 of this 1974 amendatory act.

Any vacancy occurring in the office of the director of the state lottery shall be filled in the same manner as the original appointment.

The director of the state lottery shall be appointed by the commission and shall devote his entire time and attention to the duties of his office and shall not be engaged in any other profession or occupation. He shall receive such salary as shall be determined by the

commission and the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to his employment.

NEW SECTION Sec. 3. In addition to the powers and duties enumerated in RCW 9.46.070 as now or hereafter amended, the commission shall have the power, and it shall be its duty:

(1) To promulgate such rules and regulations 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 and regulations may include, but shall not be limited to, the following:

(a) The type of lottery to be conducted;
 (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 holders of winning tickets or shares which, at the commission'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;

(i) The licensing of agents to sell tickets or shares, except that no person under the age of eighteen shall 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 shall not be less than forty-five percent of the gross income 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 income from such lottery (iii) for the repayment of the moneys appropriated to the state lottery fund pursuant to section 24 of this 1974 amendatory act, and (iv) for transfer to the general fund: PROVIDED, That no less than forty percent of the total revenues accruing from the sale of lottery tickets or shares shall be transferred to the state general fund: PROVIDED, FURTHER, That the monies transferred to the general fund shall be allocated to the Superintendent of Public Instruction and utilized by him for the sole purpose of providing special levy relief through the school apportionment formula;

(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 amend, repeal, or supplement any such rules and regulations from time to time as it deems necessary or desirable.

(3) To advise and make recommendations to the director of the state lottery regarding the operation and administration of the lottery.

(4) To publish monthly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding month, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as it deems necessary or desirable.

(5) To report immediately to the governor and the legislature any matters which shall require immediate changes in the laws of this state in order to prevent abuses and evasions

of this chapter or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(6) To carry on a continuous study and investigation of the lottery throughout the state (a) for the purpose of ascertaining any defects in this chapter or in the rules and regulations issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules and regulations may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules and regulations promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules and regulations issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that said law and rules and regulations shall be in such form and be so administered as to serve the true purposes of this chapter.

(7) To make a continuous study and investigation of (a) the operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

NEW SECTION. Sec. 4. The director of the state lottery shall have the power, and it shall be his duty to:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules and regulations of the commission;

(2) Subject to the approval of the commission, appoint such deputy directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy directors;

(3) Subject to the approval of the commission, appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed upon the director of the state lottery by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover investigative work but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules and regulations of the commission, to license as agents to sell lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director of the state lottery may require a bond from every licensed agent, in such amount as provided in the rules and regulations of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the commission;

(5) Shall confer regularly as necessary or desirable and not less than once every month with the commission on the operation and administration of the lottery; shall make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; shall advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery;

(6) Subject to the approval of the commission and the applicable laws relating to public contracts, to enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director of the state lottery may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter shall authorize the commission to enter into public contracts for the regular and permanent operation of the lottery after the initial development and implementation. Public contracts authorized under this chapter are to be performed for a flat fee and not on a percentage of the lottery receipts; and

(7) To certify monthly to the state treasurer and the commission full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding month.

NEW SECTION. Sec. 5. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105.

NEW SECTION. Sec. 6. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing such license the director of the state lottery shall consider such factors as (1) the financial responsibility and security of the person and his business or activity, (2) the accessibility of his place of business or activity to the public, (3) the sufficiency of existing licenses to serve the public convenience, and (4) the volume of expected sales.

For the purposes of this section, the term "person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall not be construed to mean or include any department, commission, agency, or instrumentality of the state, or any county and municipality or any agency or instrumentality thereof.

NEW SECTION. Sec. 7. Notwithstanding any other provision of law, any person licensed as provided in this chapter is hereby authorized and empowered to act as a lottery sales agent.

NEW SECTION. Sec. 8. The director of the state lottery may suspend or revoke, after notice and hearing, any license issued pursuant to this chapter. Such license may, however, be temporarily suspended by the director of the state lottery without prior notice, pending any prosecution, investigation, or hearing. A license may be suspended or revoked by the director for one or more of the following reasons:

(1) Failure to account for lottery tickets received or the proceeds of the sale of lottery tickets or to file a bond if required by the director of the state lottery or to comply with the instructions of the director concerning the licensed activity;

(2) Conviction of any crime as defined by RCW 9.01.020;

(3) Failure to file any return or report or to keep records or to pay any tax required by this chapter;

(4) Fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;

(5) That the number of lottery tickets sold by the lottery sales agent is insufficient to meet administrative costs and that public convenience is adequately served by other licensees;

(6) A material change, since issuance of the license with respect to any matters required to be considered by the director under section 6 of this 1974 amendatory act.

NEW SECTION. Sec. 9. No right of any person to a prize drawn shall be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The director shall be discharged of all further liability upon payment of a prize pursuant to this section.

NEW SECTION. Sec. 10. No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the commission. No person other than a licensed lottery sales agent shall sell lottery tickets, except that nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift.

Any person convicted of violating this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 11. No ticket or share shall be sold to any person under the age of eighteen, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen years of age or older to a person less than that age. Any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under the age of eighteen, and is convicted of such, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 12. No ticket or share shall be purchased by, and no prize shall be paid to any of the following persons: Any officer or employee of the lottery or to any

spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any officer or employee of the lottery.

NEW SECTION. Sec. 13. Unclaimed prize money for the prize on a winning ticket or share shall be retained in the state lottery fund by the director of the state lottery for the person entitled thereto for one year after the drawing in which the prize was won. If no claim is made for said money within such year, the prize money shall then be transferred to the state general fund and all rights to the prize existing prior to such transfer shall be extinguished as of the day of the transfer.

NEW SECTION. Sec. 14. The director of the state lottery may, in his discretion, require any or all lottery sales agents to deposit to the credit of the state lottery fund in banks designated by the state treasurer, all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the director of the state lottery or his designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The director of the state lottery may make such arrangements for any person, including a bank, to perform such functions, activities, or services in connection with the operation of the lottery as he may deem advisable pursuant to this chapter and the rules and regulations of the commission, and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

NEW SECTION. Sec. 15. No other law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery shall apply to the sale of tickets or shares performed pursuant to this chapter.

NEW SECTION. Sec. 16. If the person entitled to a prize or any winning ticket is under the age of eighteen years, and such prize is less than five thousand dollars, the director of the state lottery may direct payment of the prize by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of such minor. If the person entitled to a prize or any winning ticket is under the age of eighteen years, and such prize is five thousand dollars or more, the director of the state lottery may direct payment to such minor by depositing the amount of the prize in any bank to the credit of an adult member of the minor's family or a guardian of the minor as custodian for such minor. The person so named as custodian shall have the same duties and powers as a person designated as a custodian in a manner prescribed by the Washington Uniform Gifts to Minors Act, chapter 21.24 RCW, and for the purposes of this section the terms "adult member of a minor's family", "guardian of a minor" and "bank" shall have the same meaning as in said act. The director of the state lottery shall be discharged of all further liability upon payment of a prize to a minor pursuant to this section.

NEW SECTION. Sec. 17. There is hereby created and established a separate fund, to be known as the state lottery fund. Such fund shall be maintained and controlled by the commission and shall consist of all revenues received from the sale of lottery tickets or shares, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

NEW SECTION. Sec. 18. The moneys in said state lottery fund shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by section 19 of this 1974 amendatory act and into the revolving fund created by section 20 of this 1974 amendatory act; (3) for purposes of making deposits into the general fund; and (4) for the repayment to the general fund of the amount appropriated to the fund pursuant to section 24 of this 1974 amendatory act.

NEW SECTION. Sec. 19. In the event the commission decides to pay any portion of or all of the prizes in the form of installments over a period of years, it shall provide for the payment of all such installments by one, but not both, of the following methods:

(1) It may enter into contracts with any financially responsible person or firm providing for the payment of such installments; or

(2) It may establish and maintain a reserve account into which shall be placed sufficient moneys for the director of the lottery to pay such installments as they become due. Such reserve account shall be maintained as a separate and independent fund outside the state treasury.

NEW SECTION. Sec. 20. There is hereby created a revolving fund into which the commission shall deposit sufficient money to provide for the payment of the costs incurred in the operation and administration of the lottery: PROVIDED, That the amount deposited in such revolving fund shall never exceed fifteen percent of the total revenues accruing from the sale of lottery tickets or shares. Such revolving fund shall be managed, controlled and maintained by the commission and shall be a separate and independent fund outside the state treasury.

NEW SECTION. Sec. 21. The provisions of the administrative procedure act, chapter 34.04 RCW, as now law or hereafter amended, shall apply to administrative actions taken by the commission or the director pursuant to this chapter.

NEW SECTION. Sec. 22. The state auditor, in addition to the duties assigned to him by RCW 9.46.060 shall conduct an annual post-audit of all accounts and transactions of the lottery and such other special post-audits as he may be directed to conduct pursuant to chapter 43.09 RCW.

NEW SECTION. Sec. 23. If any clause, sentence, paragraph, subdivision, section, provision, or other portion of sections 1 through 19 of this 1974 amendatory act or the application thereof to any person or circumstances is held to be invalid, such holding shall not affect, impair, or invalidate the remainder of this chapter or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, provision, or other portion thereof directly involved in such holding or to the person and circumstances therein involved. If any provision of this chapter is inconsistent with, in conflict with, or contrary to any other provision of law, such provision of this chapter shall prevail over such other provision and such other provision shall be deemed to have been amended, superseded, or repealed to the extent of such inconsistency, conflict, and contrariety.

NEW SECTION. Sec. 24. There is hereby appropriated to the state lottery fund from the general fund the sum of one million five hundred thousand dollars, or so much thereof as may be necessary, for the purposes of the lottery in carrying out its functions and duties pursuant to sections 1 through 23 of this 1974 amendatory act. Such appropriation shall be repaid to the general fund as soon as practicable from the net revenues accruing in the state lottery fund after the payment of prizes to holders of winning tickets or shares and expenses of the lottery.

NEW SECTION. Sec. 25. Sections 1 through 23 of this 1974 amendatory act shall constitute a new chapter in Title 67 RCW.

NEW SECTION. Sec. 26. There is added to chapter 218, Laws of 1973 1st ex. sess. a new section to read as follows:

The provisions of this chapter, as now law or hereafter amended, shall not apply to the conducting, operating, participating, or selling or purchasing of tickets or shares in the "lottery" or "state lottery" as defined in Second Reengrossed Senate Bill 2004 (section 1, chapter . . . , Laws of 1974 1st ex. sess.), when such conducting, operating, participating, or selling or purchasing is in conformity to the provisions of Second Reengrossed Senate Bill 2004 (chapter . . . , Laws of 1974 1st ex. sess.) and to the rules and regulations adopted thereunder.

Sec. 27. Section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040 are each amended to read as follows:

There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of July 16, 1973 for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms: PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired

portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining member or members to act, except as in RCW 9.46.050 (2) provided.

In addition to the members of the commission there shall [initially] be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; [all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973] *such appointments shall be for a term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made.* Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business."

On page 1, strike the title and insert the following:

"AN ACT Relating to the establishment and operation of a state lottery; amending section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040; creating a new chapter in Title 67 RCW; adding a new section to chapter 9.46 RCW; creating new sections; and making an appropriation.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Rasmussen moved that the Senate concur in the House amendments to Second Reengrossed Senate Bill No. 2004 except the proviso on page 3, section 3, line 13.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, supporting Senator Rasmussen I would just say this. My worry is not in the special levy provision but it is one Senator Greive raised the other day and that is that many people think that the lottery is going to cure special levies. I am fearful that when they start selling tickets, if they ever do, that a lot of people will think that they are taking care of special levies by buying a lottery ticket and I just do not think this is anything but fooling the public. I would like to have it stricken out of there. I understand the House will recede in that one amendment."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Atwood: "What the House did was scalp the entire bill and put a new bill on it. It is not one amendment, as I see it. Is this permissible to ask them to back off from one section because it was adopted as an entire amendment?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "We have that prerogative, I am sure, Senator, and if we ask them to recede from that particular section and they refuse, they send the bill back, we have a choice of either concurring or sending it to committee and it takes the course of a whole new bill."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "With the permission of the body, I think the members would like

to know the other changes in the bill before they vote on a concurrence with the other amendments."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think it is entirely up to the body, but I would think that we would ask the House to recede from that particular point and then explain the part of the amendment we wanted to concur in."

The motion by Senator Rasmussen carried and the Senate concurred in the House amendments to Second Reengrossed Senate Bill No. 2004, except the proviso on page 3, section 3, line 13.

MESSAGE FROM THE HOUSE

February 5, 1974.

Mr. President: The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 2132, with the following amendment:

On page 5; section 8, line 8, after "source" strike everything down through "facility" on line 11 and insert "for the purchase or lease of a training facility without prior approval of the legislature", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendment to Reengrossed Substitute Senate Bill No. 2132.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2132, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—42.

Voting nay: Senator Odegård—1.

Absent or not voting: Senator Scott—1.

Excused: Senators Durkan, Greive, Metcalf, Whetzel—4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2132, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2488 with the following amendments:

On page 1, line 2 of the title, after "Laws of" strike "1961" and insert "1969".

On page 1, line 4, strike "Sec. 14" and insert "Section 1".

On page 1, section 1, line 23, after "test" strike all material down to and including the word "*liquor*" on line 25.

On page 1, section 1, line 24, after "*driving*" insert "*or of being in actual physical control of*" restoring words stricken by Senator Washington's amendment to page 1.

On page 2, section 1, line 9, after "drive" strike all material down to and including "liquor," on line 12.

On page 2, section 1, line 9 of the engrossed bill, being line 10 of the printed bill, after "driving" insert "or of being in actual physical control of" restoring words stricken by Senator Washington's amendment to lines 10 and 11.

On page 2, section 1, line 20, after "drive" strike all material down to and including "liquor," on line 23.

On page 2, section 1, line 20 of the engrossed bill, being line 21 of the printed bill, after "driving" insert "or of being in actual physical control of" restoring words stricken by Senator Washington's amendment to line 22.

On page 2, section 1, line 27 of the engrossed bill, being line 30 of the printed bill, after "driving" insert "or of being in actual physical control of" restoring words stricken by Senator Washington's amendment to line 30.

On page 3, section 1, line 16 of the engrossed bill, being line 19 of the printed bill, after "driving" insert "or of being in actual physical control of" restoring words stricken by Senator Washington's amendment to lines 19 and 20.

On page 3, section 1, line 18, after "drive" strike all material down to and including the word "liquor" on line 21.

On page 3, line 20 of the engrossed bill, being line 24 of the printed bill, after "driving" insert "or of being in actual physical control of" restoring words stricken by Senator Washington's amendment to lines 24 and 25.

On page 3, section 1, line 27 of the printed bill being line 23 of the engrossed bill, after "rescinded" insert "as of the date of such plea or the date on which the suspension of driving privileges ordered by the court upon such plea ends or would have ended had the person pleading guilty to physical control pled guilty to driving under the influence, whichever is later."

On page 4, after subsection 6, add a new subsection as follows:

"(7) The revocation of driving privileges under this section shall be considered as a conviction for the purpose of eligibility for an occupational driver's license as determined under chapter 5, Laws of 1973 and chapter 46.20 RCW," and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Francis moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2488.

Debate ensued.

There being no objection, the motion by Senator Francis was withdrawn.

MOTIONS

Senator Francis moved that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 2488 and ask the House to recede therefrom.

Senator Woody moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2488.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Francis, Day, Guess, Odgaard, Connor, Jolly, Murray, Guess and Sellar.

President Pro Tempore Henry declared the question before the Senate to be the positive motion by Senator Woody that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2488.

Debate ensued.

ROLL CALL

The Secretary called the roll and the motion by Senator Woody failed by the following vote: Yeas, 12; nays, 32; excused, 4.

Voting yea: Senators Atwood, Fleming, Grant, Lewis (Harry), Marsh, Matson, Peterson (Lowell), Rasmussen, Twigg, Van Hollebeke, Woodall, Woody—12.

Voting nay: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington—32.

Excused: Senators Durkan, Greive, Metcalf, Whetzel—4.

The motion by Senator Francis carried and the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 2488 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed SENATE BILL NO. 2540 with the following amendments:

On page 1, line 1 of the title after "judges;" strike "and"

On page 1, line 4 of the title, after "3.58.020" and before the period, insert "; and amending section 13, chapter 299, Laws of 1961 as amended by section 2, chapter 147, Laws of 1971 ex. sess. and RCW 3.34.040"

On page 2 after section 1, insert a new section to read as follows:

"Sec. 2. Section 13, chapter 299, Laws of 1961 as amended by section 2, chapter 147, Laws of 1971 ex. sess. and RCW 3.34.040 are each amended to read as follows:

Justices of the peace serving districts having a population of forty thousand or more persons, and justices receiving a salary greater than [nine] *fifteen* thousand dollars for serving as a justice, shall be deemed full time justices and shall devote all of their time to the office and shall not engage in the practice of law. Other justices shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but such justice shall not use the office or supplies furnished by the judicial district for his private business but shall maintain a separate office for his private business nor shall he use the services of any clerk or secretary paid for by the county for his private business.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Senate Bill No. 2540.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2540, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Clarke, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—40.

Voting nay: Senators Canfield, Sellar—2.

Absent or not voting: Senators Connor, Matson—2.

Excused: Senators Durkan, Greive, Metcalf, Whetzel—4.

SENATE BILL NO. 2540, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 6, 1974.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2634 with the following amendments:

On page 1, in line 1 of the title, after "buildings;" and before "and" insert "adding a new section to chapter 219, Laws of 1971 and to chapter 70.92A RCW;"

On page 2, section 3, line 9, after "edition," insert "including Chapter 22, Fuel Gas Piping, Appendix B,".

On page 2, section 3, line 17, after "adopted" insert "": PROVIDED, That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters"

On page 4, after section 11, add a new section to read as follows:

"*NEW SECTION.* Sec. 12. There is added to chapter 219, Laws of 1971 and to chapter 70.92A RCW a new section to read as follows:

All buildings built in accordance with the standards and specifications set forth in this chapter, or containing facilities that are in compliance therewith, shall display the following symbol, which is white on a blue background



indicating the location of such facilities designed for the handicapped. When a building contains an entrance other than the main entrance which is ramped or level for use by handicapped persons, a sign showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 2634.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2634, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—44.

Excused: Senators Durkan, Greive, Metcalf, Whetzel—4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2634, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2675 with the following amendments:

On page 3, section 7, line 11, after "disturbances, the" insert "chiropractic"

On page 3, section 7, line 20, after "purposes:" insert "PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under RCW 18.71 from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine:"

On page 9, section 13, strike all of lines 5 through 7 of the engrossed bill, being lines 1 through 3 of the printed bill, and insert a new paragraph as follows:

"Thereafter each of said groups shall, annually, designate the members of the board who shall succeed to said position upon the expiration of said initial term. Such subsequent designations shall be for a term of three years, except the director or his designee from the department of motor vehicles.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Day moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 2675.

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Senator Day, I quickly looked at 1871 and it relates to physicians and surgeons. I did not have time to look at it too closely to see whether it also covers osteopaths because I understand that they do manipulate also."

Senator Day: "No, it does not. Now what they are referring to is 1871 which is the Medical Practice Act which has a provision at the end where they are all inclusive in practice. They can practice optometry, chiropractic, naturopathy, podiatry, dentistry, you name it, and I, in 1961, put an amendment on the act that says that they shall not practice chiropractic as defined in the act. Now all this does is to tie down that prohibition in the 1961 amendment to adjustment by hand of any articulation of the spine. It has nothing to do with osteopaths, Senator."

Senator Woody: "If this passes, will the osteopath still be able to adjust by hand?"

Senator Day: "Absolutely. They will be able to manipulate articulations like they have always done, which is a completely different technique done for the purpose of manipulating all joints for the stimulation of circulation, which has to do with something entirely different, but it will not prohibit them from doing it."

POINT OF INQUIRY

Senator Walgren: "Would Senator Day yield? I just want to know, will a doctor, after this amendment passed, be able to set a fracture?"

Senator Day: "Of course, because you see, an adjustment of an articulation has absolutely nothing to do with setting a fracture. Now there has been a lot of minutiae flying around here relative to this but all we are trying to do is prohibit the physician from attempting to practice something he does not know a thing about."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Day yield to a question? Senator Day, we passed the other day the Asian-American Commission, and it was very much supported by the sauna operators. Will this interfere with the practices that the sauna operators are engaged in at the present time which does include, I understand, Senator Day . . ."

Senator Day: "It depends on what the sauna operator is doing, Senator Rasmussen."

Senator Rasmussen: "They do manipulate the back, they tell me."

Senator Day: "If they do, they are doing so illegally if they do, Senator."

Senator Rasmussen: "That is what I was afraid. We will get the commission working on it."

POINT OF INQUIRY

Senator Francis: "Will Senator Day yield to a question? Senator Day, could you tell me something of the history of the subject matter of this bill and in particular why we need the bill and whether or not we did pass a bill on this subject through the Senate last year and the year before?"

Senator Day: "Yes, Senator Francis, we most assuredly have passed this bill before. There has been a great deal of debate between the two associations as to the content of the definition and that has finally been resolved, and so we are passing it again through the Senate after it got through the House. Now in addition there is another section that is on the bill that was originally on and was amended off before, which has to do with state contracts and municipal subdivisions and discrimination. This is not the bill that passed through the legislature. It has never passed completely before, Senator."

Senator Francis: "Senator Day, what I am trying to establish is apparently although the Senate has passed this bill a couple of times before, it has not been passed by the House before and we have not actually taken action on this particular subject since I believe it was 1961."

Senator Day: "I believe the upgrading portions of it, that is correct. 1959 and 1961 were the last two that substantively affected the practice act."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, the reason I asked that question is that I was under the incorrect understanding that the legislature had passed matters on this last year and the year before, and I find out that the House had not gotten around to taking action and that is one of the reasons why the bill is needed."

POINT OF INQUIRY

Senator Canfield: "I would like to ask Senator Day a question if he would yield. Senator, you will remember, going back to 1961, back in those good old days, we used to have some M.D.'s in the House occasionally. You remember Dr. McFadden and Dr. Adams from Spokane, and with your expertise and theirs we used to get I would say a rather complete and unbiased view of this situation. Now we just have Dr. Day and while I do not wish to impugn your motives or expertise, are we getting both sides of the question?"

"As I read the House amendment, if I went to a doctor he could not adjust by hand any articulation of the spine and that kind of bothers me because I wonder if we are going to make it so all they can do pretty soon is to use a butcher knife and a pill. I do not believe we ought to restrict these doctors unduly from any reasonable practice of their profession."

Senator Day: "The answer to your question is that when both Dr. McFadden and Dr. Adams were in the House is when the original amendment went on the Medical Practice Act saying they could not adjust an articulation of the spine. All this amendment does is make sure that the amendment put on in 1961 stays identically as it was in 1961. There is no change."

Senator Canfield: "But they could not adjust by hand any articulation of the spine?"

Senator Day: "That is right. That is the practice of chiropractic and that is the reason the original amendment was put on there."

The motion by Senator Day carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2675.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill

No. 2675, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Bottiger, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Talley, Twigg, Van Hollebeke, von Reichbauer, Washington, Woodall, Woody—35.

Voting nay: Senators Canfield, Newschwander, Rasmussen, Sandison, Sellar, Stortini, Walgren, Wanamaker—8.

Absent or not voting: Senator Atwood—1.

Excused: Senators Durkan, Greive, Metcalf, Whetzel—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2675, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Mardesich: "Mr. Scates has come to me and pointed out that I was incorrect in my remarks this morning about the story that he was involved in a deal with the Governor. He tells me that rather he was in an investment club with Slade Gorton and others. He also points out that he got out of that deal some time ago. I suppose after the conflict became public. Now that he has told us about his involvement in this affair with Slade Gorton and others I think we can find it in our hearts to forgive him and his past conflicts and hope that he now recognizes that we can all be made to look worse than we really are."

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Speak for yourself, John."

MOTION

On motion of Senator Mardesich, the House Message on Engrossed Second Substitute Senate Bill No. 2583 was ordered held for consideration on Monday, February 11, 1974.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2904, with the following amendments:

On page 1, strike the title and insert the following:

"AN ACT Relating to savings and loan associations; and amending section 7, chapter 280, Laws of 1959 as amended by section 2, chapter 107, Laws of 1969 and RCW 33.08.110.

On page 1, following the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 7, chapter 280, Laws of 1959 as amended by section 2, chapter 107, Laws of 1969 and RCW 33.08.110 are each amended to read as follows:

An association with the written approval of the supervisor, may establish and operate branches in any county of the state.

An association desiring to establish a branch shall file a written application therefor with the supervisor, who shall approve or disapprove the application within six months after receipt.

[A branch shall not be established at a place in which the supervisor would not permit a proposed new association to engage in business, by reason of any consideration contemplated by RCW 33.08.060 as now or hereafter amended.] *The supervisor's approval shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for their proposed branch and that the proposed branch is not being formed for other than the*

legitimate objects covered by this title. A branch shall not be established or permitted if the contingent fund, loss reserves and guaranty stock are 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 association shall have the right to appeal in the same manner and within the same time as provided by RCW 33.08.070 as now or hereafter amended. The association when delivering said application to the supervisor shall transmit to him a check for five hundred dollars to cover the expense of the investigation. An association shall not move any office from its immediate vicinity without prior approval of the supervisor.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Dore moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2904.

POINT OF INQUIRY

Senator Woody: "It appears to me that it allows branch banking in addition. Is this right? It says, 'Following the enacting clause, strike the remainder of the bill.'"

Senator Dore: "This was checked out by the attorney downstairs. I had him check it out and the act as it went through provided that with savings and loan branches they merely need to show justification as the economic stability of a branch rather than an association. There is no change in the House in that except they referred the substantive part of the act which passed the Senate to amend the 1969 act. There is no change from the Senate version except that it amends the 1969 act which had previously amended the 1959 act. In passing the Senate we did not refer the 1969 act. I will be glad to hold it for a day on the calendar if you want to check it out, but I did check it out. I have it right here before me."

Senator Woody: "What about this commercial?"

Senator Bottiger: "Mr. President, if I might respond, this is the bill that allows the state savings and loan associations to do exactly what the federals can do already. We are just trying to make them equal."

Senator Dore: "That is not quite an accurate statement but what this bill that passed the Senate did allows the state savings and loan to ask for a branch banking privilege from the supervisor and he determines the economic feasibility to support a branch rather than to support an entire association. Now that is the bill that passed. The House amendment is merely to correct the defect in the drafting. They inadvertently amended only the 1959 law. This provides also . . . amends the 1969 law."

POINT OF INQUIRY

Senator Guess: "Will Senator Dore yield? Senator Dore, on the handout sheet that we got from the House, it appears, 'in like locations by a commercial bank.' Now I thought this was savings and loans. Are we now making the savings and loans exactly like commercial banks?"

Senator Dore: "As to a new branch, yes."

Senator Guess: "In other words it expands the banking capabilities?"

Senator Dore: "Right now commercial banks can put in a branch in the county in which they have their home office and they only have to show economic justification to support a branch, not an entire bank. The savings and loan did not have that privilege but this permits them to have the same privilege to establish a branch."

Senator Guess: "Very good. Thank you."

The motion by Senator Dore carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2904.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2904, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—43.

Absent or not voting: Senator Lewis (R. H. "Bob")—1.

Excused: Senators Durkan, Greive, Mefcalf, Whetzel—4.

ENGROSSED SENATE BILL NO. 2904, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3003, with the following amendments:

On page 2, section 2, beginning on line 32 of the engrossed bill, being line 31 of the printed bill, after "*furnish*" strike all the material down to and including "*voters*" on page 3, line 1 of the engrossed bill, being page 2, line 33 of the printed bill, and insert "*without cost and upon application therefor, and annual state-wide listing or computer tape of registered voters to the state central committee of any major political party that received at least ten percent of the total votes cast for the office of President at the preceding Presidential election*".

On page 5, section 6, beginning on line 8 of the engrossed bill, being line 7 of the printed bill, after "send" strike "*whenever possible to do so without the payment of postage,*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Grant, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 3003, and asks the House to recede therefrom.

MOTION

On motion of Senator Lewis (Harry), the Senate commenced consideration of Senate Resolution 1974-205.

SENATE RESOLUTION 1974-205

By Senators Lewis (Harry), Atwood and Matson:

WHEREAS, This Third Extraordinary Session of the Forty-Third Legislature was called for the recognized and expressed purpose of dealing with the emergent needs of the people of the State of Washington, relating to the budget, transportation and energy; and

WHEREAS, Whatever measures of importance remaining can be acted on within a period of a few days;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that we remain in session until Thursday, February 14, 1974, in order to complete our work and be responsible to the people of the State of Washington.

BE IT FURTHER RESOLVED, That the Senate take all the necessary steps for adjournment sine die no later than 12:00 midnight on Thursday, February 14, 1974, the thirty-second day of this session.

POINT OF INQUIRY

Senator Francis: "Will Senator Lewis yield to a question? Senator Lewis, what if we cannot resolve our differences with the House as to the budget before next Thursday? Does your proposal in substance indicate that you desire that we roll over and accept whatever the House wants to do on the budget?"

Senator Lewis (Harry): "Senator Francis, I am really surprised that you would ask such a question because I, frankly, have a lot more confidence in the majority parties of both houses apparently than you do, and I believe that you can get together and I believe that you will. You have a great leader in Senator Mardesich and in Senator Bailey. Your Ways and Means chairman, Senator Durkan, Senator Donohue and Senator Odegaard are all skilled in areas of the budget and I have great confidence that they can reach Representative Shinpoch and Representative Sawyer and bring this shop to a close."

Senator Francis: "Senator Lewis, what if we do not achieve that? That is the question I am asking, if we do not achieve our desires with regard to that by Thursday, I take it the adoption of your resolution means that we just drop it and have no budget and go home? Or what? What do we do in the event that we cannot get our way on this and cannot communicate with them to your satisfaction?"

Senator Lewis (Harry): "Senator, we have always faced that problem in the fourteen years I have been here and we have always come to a conclusion. In addition to that, this is precisely why I presented a floor resolution rather than a concurrent resolution which is necessary in order to adjourn sine die. I merely wanted to establish the position of the Senate. Now I suggest that if the position of the Senate is established as not wanting to complete our work, not wanting to sine die, not wanting to perform the job that we came to, then the message that we send, if this resolution fails, would be one that would be costly to the citizens of the state and I think opposite in the direction that the people would like to have us go."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "In direct response to your question, Senator Francis, this body, if it did not get agreement on the budget by two-thirds, could pass a concurrent resolution and extend day by day. We have done this many times; if you recall the 1970 session we had a thirty day sine die and we extended it three days. We did this again in the 1972 session. We went up to forty some days, I believe. But that is no great problem. And this is only a floor resolution, I might point out, but I think the people of the state deserve a good valentine and that would be a sine die with a complete and total budget. I would hope that the majority party would at least prevail on the House to send a complete and total budget. I understand they have taken out all of DSHS except for four million dollars and I think that this resolution is offered in good faith and I know that there are some of you on the other side that would like to sine die and not be faced with an April session. I also want to point out that the Governor yesterday agreed to call us back if two-thirds of us thought it was necessary. As a matter of fact I would have been willing to let the majority call us back in April because I do not think you could get twenty-five of you together over there to come back in April, in all sincerity. But in any event, I think you should support this resolution."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, it is most difficult to speak after those laudatory remarks on the part of Senator Lewis. However, it would appear to me that if we were to send a valentine to the people in the form of a sine die adjournment we would be doing far less for those people than were we to inform them that they still might have some hope that we might save twenty or thirty or forty million dollars. I think that might be a better valentine to send them, Senator Lewis, and if we decide to stay beyond Tuesday or Monday or whatever day we can wind up, it will be because we have arrived at the conclusion that it may be able for us to send such a valentine to the people."

MOTION

Senator Mardesich moved that Senate Resolution 1974-205 be laid upon the table.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Rasmussen, Washington, Woodall, Bailey, Clarke, Atwood, Lewis (Harry), Wanamaker and Sellar.

POINT OF INQUIRY

Senator Woody: "Would Senator Mardesich yield? The members back here want to know truly if we are set free, or are we still chained?"

Senator Mardesich: "Mr. President, in response to that, I might only point out that if Senator Woody had not been reading all these bills and offering so many amendments, we might have left last week."

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Mardesich that Senate Resolution 1974-205 be laid upon the table.

ROLL CALL

The Secretary called the roll and the resolution was laid upon the table by the following vote: Yeas, 28; nays, 16; excused, 4.

Voting yea: Bailey, Bottiger, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—28.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Woodall—16.

Excused: Senators Durkan, Greive, Metcalf, Whetzel—4.

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

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3024, with the following amendments:

On page 1, section 1, immediately following subsection (2) insert a new subsection as follows:

"(3) The remedies provided by this section shall not apply unless restraining orders subject to this section shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND IS ALSO SUBJECT TO CIVIL CONTEMPT PROCEEDINGS."

Reumber the following subsection consecutively.

On page 1, section 1, line 18, after "issued" strike "in violation of" and insert "contrary to", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTIONS

On motion of Senator Marsh, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3024.

On motion of Senator Matson, Senator Peterson (Ted) was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3024, as

amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 5.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—42.

Voting nay: Senator Dore—1.

Excused: Senators Durkan, Greive, Metcalf, Peterson (Ted), Whetzel—5.

ENGROSSED SENATE BILL NO. 3024, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3039, with the following amendments:

On page 1, beginning on line 6, after "for" strike "said lease or" and insert "television station".

On page 1, line 8 of the engrossed bill, being line 9 of the printed bill, after "rental" insert "for at least one period of not more than twenty years".

On page 1, line 9, after "That" insert "the rates in said leases shall be renegotiated at five year intervals: PROVIDED FURTHER, That".

On page 1, line 11, after "towers" insert "FURTHER, That notwithstanding any term to the contrary in any lease, this section shall not preclude the commission from prescribing new and reasonable lease terms relating to the modification, placement or design of facilities operated by or for a station, and any extension of a lease granted under this section shall be subject to this proviso".

On page 1, section 1, line 11 of the printed bill after "towers" insert " PROVIDED FURTHER, That notwithstanding any other provision of law the director in his discretion may waive any requirement that an environmental impact statement or environmental assessment be submitted as to any lease negotiated and signed between January 1, 1974 and December 31, 1974", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Day moved that the Senate do concur in the House amendments to Senate Bill No. 3039.

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Senator Day, I am looking at the amendment submitted by the House and the second one, 'PROVIDED FURTHER, That notwithstanding any other provision of law, the director in his discretion may waive any requirement that an environmental impact statement or environmental assessment be submitted as to any lease.' It does not say this lease. But this is for 1974, it says. Between January 1, 1974 and December 31, 1974. . . . apply to 'any lease', not just to the lease of this antenna."

Senator Day: "In answer to your question, it would be my opinion that it gives them the discretion to waive any requirement but the way that group operates I doubt if they would ever waive it."

POINT OF INQUIRY

Senator Mardesich: "Mr. President, will Senator Day submit to a question for the record? Senator Day, I see the proviso that allows the director to waive environmental assessments, environmental impact statements during the calendar year 1974 with relation to, the language is, 'as to any lease negotiated.' Now is not the intent of this legislature that that be true with respect only to the antennas that this bill addresses itself to or are there other problems?"

Senator Day: "No, it is my specific understanding that refers back to this one section which constitutes the whole bill and which would mean that only as it relates to the placement of these two towers and that the towers will not be moved."

Senator Washington demanded a roll call and the demand was sustained by Senators Bottiger, Scott, Newschwander, Murray, Lewis (Harry), Stortini, Bailey, Connor and Wanamaker.

The President declared the question before the Senate to be the motion by Senator Day that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3039.

ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments by the following vote: Yeas, 30; nays, 11; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis, (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Talley, Twigg, Van Hollebeke, Woodall, Woody—30.

Voting nay: Senators Bottiger, Fleming, Francis, Grant, Knoblauch, Scott, Stortini, von Reichbauer, Walgren, Wanamaker, Washington—11.

Absent or not voting: Senators Atwood, Sellar—2.

Excused: Senators Durkan, Greive, Metcalf, Peterson (Ted), Whetzel—5.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3039, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3039, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 12; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Canfield, Connor, Day, Donohue, Dore, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Sellar, Twigg, Van Hollebeke, Walgren, Woodall, Woody—30.

Voting nay: Senators Bottiger, Clarke, Fleming, Francis, Grant, Knoblauch, Scott, Stortini, Talley, von Reichbauer, Wanamaker, Washington—12.

Absent or not voting: Senator Atwood—1.

Excused: Senators Durkan, Greive, Metcalf, Peterson (Ted), Whetzel—5.

ENGROSSED SENATE BILL NO. 3039, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3052, with the following amendment:

On page 1, beginning on line 20, strike all of section 3 and renumber the remaining sections consecutively, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Francis the Senate concurred in the House amendment to Engrossed Senate Bill No. 3052.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3052, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 5.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody-42.

Absent or not voting: Senator Fleming-1.

Excused: Senators Durkan, Greive, Metcalf, Peterson (Ted), Whetzel-5.

ENGROSSED SENATE BILL NO. 3052, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3058, with the following amendments:

On page 2, section 1, beginning on line 10, strike all of subsection (8) and renumber the remaining subsection consecutively.

On page 2, section 1, line 22 of the engrossed bill, after "agencies" insert "*intermediate school districts*."

On page 2, section 1, line 24, after "530" and before the period insert ": PROVIDED FURTHER, that any such contract shall be filed with the Office of Program Planning and Fiscal Management and the Legislative Budget Committee prior to the date any work commences under any such contract", and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator von Reichbauer, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3058.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3058, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 5.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody-43.

Excused: Senators Durkan, Greive, Metcalf, Peterson (Ted), Whetzel—5.

ENGROSSED SENATE BILL NO. 3058, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3078, with the following amendments:

On page 1, line 1 of the title, after "merchants;" insert "amending Section 9-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-204;"

On page 1, line 17, insert a new section to read as follows:

"Section 1. Section 9-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-204 are each amended to read as follows:

(1) A security interest cannot attach until there is agreement (subsection (3) of RCW 62A.1-201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

(2) For the purposes of this section the debtor has no rights

(a) in crops until they are planted or otherwise become growing crops, in the young of livestock until they are conceived;

(b) in fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;

(c) in a contract right until the contract has been made;

(d) in an account until it comes into existence.

(3) Except as provided in subsection (4) a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

(4) No security interest attaches under an after-acquired property clause

(a) to crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;

(b) to consumer goods other than accessions (RCW 62A.9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

(6) *A security interest cannot attach to livestock or to meat or meat products made from such livestock, where (a) the livestock was sold to the debtor by another party, (b) this other party has been paid by draft or check, and (c) the draft or check remains outstanding: PROVIDED, That a security interest may attach when the draft or check has been outstanding more than ten days."*

Remember the remaining section consecutively., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Jolly, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3078, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 5.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Riechbauer, Walgren, Wanamaker, Washington, Woodall, Woody-42.

Absent or not voting: Senator Newschwander-1.

Excused: Senators Durkan, Greive, Metcalf, Peterson (Ted), Whetzel-5.

ENGROSSED SENATE BILL NO. 3078, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 5, 1974.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3106, with the following amendments:

On page 1, line 6 of the title, after "RCW 46.61.410;" insert "amending section 4, chapter 16, Laws of 1963 and RCW 46.61.415;"

On page 3, beginning on line 22, following section 2, insert a new section as follows:

"Sec. 3. Section 4, chapter 16, Laws of 1963 and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

(a) Decreases the limit at intersections; or

(b) Increases the limit but not to more than sixty miles per hour; or

(c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) *The state highway commission is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.*

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such time as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

[4] (5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the state highway commission."

Renumber the remaining sections., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Walgren moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3106.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Walgren yield? Senator Walgren, under what conceivable circumstances do you think that the federal government would require this? My understanding is that we had it on highways through cities and towns and that law was passed some years ago. What type of restrictions do you anticipate that the federal government is now going to put on the cities and counties?"

Senator Walgren: "Could be in connection with urban arterial funds."

Senator Rasmussen: "This does not say. It just says on all county roads and city and town streets."

Senator Walgren: "If necessary to conform with any federal requirements which are prescribed conditions for the allocation of federal funds."

Senator Rasmussen: "It may be all right. I do not think you should open the door any further."

The motion by Senator Walgren carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3106.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3106, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—40.

Voting nay: Senators Atwood, Matson—2.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Durkan, Greive, Metcalf, Peterson (Ted), Whetzel—5.

SUBSTITUTE SENATE BILL NO. 3106, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 6, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3116, with the following amendments:

On page 1, line 1 of the title after "fishing;" and before "amending" strike "and" and insert "adding a new section to chapter 75.28 RCW;"

On page 1, line 2 of the title after "RCW 75.28.420" and before the period insert "; and declaring an emergency"

On page 1, line 21 insert new sections to read as follows:

"*NEW SECTION.* Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

On and after the effective date of this section the director of the department of fisheries shall appoint three persons broadly representative of the commercial herring fishery to function as an advisory committee to the department for the purpose of defining hardship cases as such cases relate to denials of commercial herring licenses under this chapter. The committee shall hold meetings and hearings and take such testimony as it deems necessary to carry out the duty imposed on it by this section. Upon making its final decision on the meaning of a hardship case and communicating the same in writing to the director the committee shall be dissolved. The director, upon receipt of the committee's findings, may promulgate the committee's definition of a hardship case as a rule and regulation of the department after complying with the provisions of chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 3. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Peterson (Lowell), the Senate concurred in the House amendments to Engrossed Senate Bill No. 3116.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3116, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Donohue, Dore, Durkan, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—40.

Absent or not voting: Senators Day, Fleming, Newschwander, Sandison—4.

Excused: Senators Greive, Metcalf, Peterson (Ted), Whetzel—4.

ENGROSSED SENATE BILL NO. 3116, 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 5:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, February 11, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, February 11, 1974.

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 Connor, Francis, Greive, Odegaard, Peterson (Lowell), Rasmussen, Sandison and Woodall. On motion of Senator Keefe, Senator Woodall was excused. There being no objection, Senator Peterson (Lowell) was excused.

The Color Guard, consisting of Pages Chuck Langen, Jr. and Carol Horak, presented the Colors. Doctor Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL AND EVER-LIVING GOD, BEFORE THIS DAY IS FAR SPENT, WE PAUSE WHERE WE ARE TO CALL UPON THEE. THY CONSTANT MERCIES BLESS US IN THE MORNING LIGHT AND FALL UPON US IN THE EVENING SHADOWS. PREPARE US FOR THE EVENTS OF THIS DAY. WE KNOW NOT ALL THAT A DAY MAY BRING FORTH. BRACE US AGAINST ITS UNCERTAINTIES. STRENGTHEN US FOR ITS STRESSES. ABOVE ALL, GRANT US A DEEP DESIRE TO KNOW THY WILL AND THE COURAGE AND GRACE TO FOLLOW IT. THROUGH CHRIST OUR LORD. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

February 9, 1974.

Mr. President: The House has passed ENGROSSED SENATE JOINT RESOLUTION NO. 140, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 9, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1366, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1366, by Committee on Transportation and Utilities (originally sponsored by Representatives Martinis, Perry, Berentson and Rabel):

Authorizing termination on revision of public works contracts affected by increased petroleum prices.

Referred to Committee on Rules.

There being no objection, Senators Connor, Donohue, Dore and Durkan were excused. There being no objection, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed SENATE BILL NO. 3147, with the following amendment:

On page 1, section 1, line 7, after "is a" and before "mass" insert "public", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendment to Senate Bill No. 3147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3147, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 4; excused, 6.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Day, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—38.

Absent or not voting: Senators Bottiger, Fleming, Francis, Rasmussen—4.

Excused: Senators Connor, Donohue, Dore, Durkan, Peterson (Lowell), Woodall—6.

SENATE BILL NO. 3147, 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

Senator Mardesich moved that the House Message on Substitute Senate Bill No. 3145 be held for consideration on Tuesday, February 12, 1974.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, if I might, Senator Dore called me. He said he cannot make it and he would appreciate it if I would set it over."

POINT OF INQUIRY

Senator Atwood: "Would Senator Mardesich yield? What if we recess today? The bill dies."

Senator Mardesich: "We are not going to recess today."

Senator Atwood: "When are we going to recess?"

Senator Mardesich: "That I do not know."

The motion by Senator Mardesich carried. The House Message on Substitute Senate Bill No. 3145 was ordered held for consideration on Tuesday, February 12, 1974.

MESSAGE FROM THE HOUSE

February 5, 1974.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2583, with the following amendments:

On page 1, line 4 of the title after "46.44.091;" strike all of the material down through "RCW 46.44.040;" on line 6.

On page 1, line 8 of the title, after "RCW 46.66.0941" strike the remainder of the title and insert a period.

On page 2, beginning on line 15, strike all of section 2.

Renumber the remaining section.

On page 4, section 3, following line 28, insert:

"Continuous operation of a combination of vehicles with loads of nonreducible features not to exceed eighty-five feet in length, fourteen feet in width, and fourteen feet in height for a period of one year \$150.00"

and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 2583 to page 1, line 8 of the title, and to page 4, section 3, following line 28 and does not concur with the amendments on page 1, line 4, of the title, after "46.44.091;" striking all of the material down through "RCW 46.44.040;" and on page 2 beginning on line 15, striking all of section 2 and renumbering the remaining section, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3206, with the following amendments:

In line 1 of the title, after "solicitations;" strike the remainder of the title and insert the following:

"amending section 2, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.020; amending section 3, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.030; amending section 10, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.100; and amending section 12, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.120."

On page 1, after the enacting clause, strike the remainder of the bill and insert the following:

"Section 1. Sec. 2, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

(2) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights, and not merely that portion of the purchase price to be applied to a charitable purpose.

(3) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(4) "Costs of solicitation" means and includes all costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation for a direct gift or conducting a sale or benefit affair.

(5) "Director" means the director of the department of motor vehicles.

[(5)] (6) "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

[(6)] (7) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

[(7)] (8) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

[(8)] (9) "Professional fund raiser" means any person who, for compensation, plans, conducts, or manages any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers or professional solicitors: (a) Bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; who is employed and engaged as such officer or employee principally in connection with activities other than soliciting contributions or managing the solicitation of contributions and whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of [RCW 19.09.030] *section 2 of this 1974 amendatory act.*

[(9)] (10) A "professional solicitor" means a person other than a professional fund raiser who is employed for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state.

[(10)] (11) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith.

[(11)] (12) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Sec. 2. Section 3, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.030 are each amended to read as follows:

Except as otherwise specifically provided in other sections of this chapter, this chapter shall not apply to the following:

(1) *Solicitations by religious corporations duly organized and operated in good faith as religious organizations which are entitled to receive a declaration of current tax exempt status from the government of the United States and their duly organized branches or chapters, if the solicitations by such organization are conducted among the members thereof by other members or officers thereof, voluntarily or if the solicitations are in the form of collections or contributions at the regular or special religious assemblies, meetings, or services of any such organization or solicitations by such organizations for evangelical, missionary, or religious purposes.*

(2) Any organizations which are organized and operated principally for charitable or religious or educational purposes, other than the raising of funds, when the solicitation of contributions is confined to the membership of the organization and when the solicitation is managed and conducted solely by officers and members of such organizations who are unpaid for such services.

The term "membership" shall not include those persons who are granted membership upon making a contribution as the result of a solicitation.

[(2)] (3) Persons requesting any contributions for the relief of named individuals:

(a) When the solicitation is managed and conducted solely by persons who are unpaid for such services and;

(b) When the contributions collected do not exceed the [two] five thousand dollars in any six month period; and

(c) When all of the contributions collected, without any deductions whatsoever except for the actual cost of a banquet, dance, or similar social gathering, are turned over to the named beneficiary or beneficiaries.

[(3)] (4) Any charitable organization which does not solicit and collect contributions in this state in excess of [two] five thousand dollars in any six month period if all such fund raising functions are carried on by persons who are unpaid for their services.

Sec. 3. Section 10, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.100 are each amended to read as follows:

Upon receipt of an application in the proper form for registration, the director shall immediately initiate an examination to determine that:

(1) The cost of solicitation for direct gifts shall not exceed twenty percent of the total gross amount to be raised or for sale and benefit affairs shall not exceed fifty-five percent of the total gross amount to be raised; and of this fifty-five percent, not more than twenty percent shall be paid for all wages, fees, commissions, salaries, and emoluments paid or to be paid to all salesmen, solicitors, collectors, and professional fund raisers. If it appears that the cost of soliciting will exceed the percentages listed above, and except for that, the registration would otherwise be granted, the director may enter an order registering the charitable organization, upon a showing that special reasons make a cost higher than twenty percent or said fifty-five percent, or said twenty percent, respectively, reasonable in the particular case. *When such an order is entered, the amount, stated as a percentage of the total purchase price, that will be given to the charitable organization or purpose shall be disclosed to each person being solicited at the time of each solicitation by conspicuously setting out such cost upon the item of goods, or upon its package, or by conspicuously setting out such cost upon a sign posted at each location where such solicitation occurs;*

(2) The charitable organization has complied with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan are not false, misleading, or deceptive and its rules and regulations, which the director may adopt, comply with the standards prescribed by the director and which afford full and fair disclosure;

(4) The charitable organization has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has not been subject to any permanent injunction or administrative order or judgment, under the provisions of RCW 19.86.080 or 19.86.090, involving a violation or violations of the provisions of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Sec. 4. Section 12, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.120 are each amended to read as follows:

(1) Any charitable organization mentioned under [RCW 19.09.030 (3)] *section 2 (4) of this 1974 amendatory act:*

(a) Before conducting any solicitation give written notice to the director stating its intention to solicit funds, the basis of its exemption, the purpose of such solicitation, the approximate percentage of collections, after deductions for expenses, to be actually devoted to that purpose, and when and in what area or areas such solicitation will be conducted.

Written notice shall be given to the director by the organization, or by someone in its behalf, at least three days in advance of such solicitation, and if it is sent by registered or certified mail such notice shall be deemed given when deposited in the United States mail. The notice requirement of this section shall constitute a registration statement which shall be construed as registration under the provisions of this chapter.

(b) In the event that any organization, under this section, solicits and collects funds in excess of [five] *fifteen* hundred dollars during any year, such organization shall file a short form report conforming to the provisions of RCW 19.09.130. The director may require the furnishing of any further details as may be necessary for complete reporting and disclosure within the purposes of this section.

(2) No fees shall be collected in connection with any notice, registration, or report filed under this section.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3206.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3206, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 6.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—39.

Absent or not voting: Senators Francis, Rasmussen, Talley—3.

Excused: Senators Connor, Donohue, Dore, Durkan, Peterson (Lowell), Woodall—6.

ENGROSSED SENATE BILL NO. 3206, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3235, with the following amendment:

On page 2, section 1, line 29 strike "[Any individual employed by the state, any county, city, or town, municipal corporation or quasi-municipal corporation, political subdivision, or any instrumentality thereof; (j)]" and insert "Any individual employed by the state, any county, city, or town, municipal corporation or quasi-municipal corporation, political subdivision, or any instrumentality thereof; (j)", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTIONS

On motion of Senator Walgren, Senator Rasmussen was excused.

Senator Grant moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 3235.

POINT OF INQUIRY

Senator Canfield: "Will Senator Grant yield? Senator, I agree with your position on this bill. I am just concerned about the action of the House. Did their budget include money for the implementation of this act?"

Senator Grant: "Since the House only acted on their budget Saturday night, I have not seen any copies of their amendments to the Senate version of the budget. There was testimony, as you know, Senator Canfield, in the Ways and Means Committee by the Department of Social and Health Services that coverage of nursing home employees under the minimum wage act could be taken care of through the Senate version of the budget. The total budget, of course, has not been acted on. I do not know what the version of the House is now."

Senator Canfield: "I would hope that we can all take a good look at that when the budget is before us again."

Senator Grant: "I am confident we will all be looking at that."

The motion by Senator Grant carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 3235.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3235, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; excused, 7.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Day, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody-41.

Excused: Senators Connor, Donohue, Dore, Durkan, Peterson (Lowell), Rasmussen, Woodall-7.

ENGROSSED SENATE BILL NO. 3235, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 7, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3329, with the following amendments:

On page 1, section 1, line 20, after "needs" insert ": PROVIDED, That it is the intent of the Legislature that appropriate consideration will be given to protecting and preserving the quality of the environment".

On page 2, section 2, line 9 after "study" strike "such".

On page 2, section 2, line 10, after "site" strike everything down to and including "applicant" on line 11.

On page 2, section 2, line 11, after "study" strike "may" and insert "shall".

On page 2, section 2, line 26, after "(4)" strike "The" and insert "Any".

On page 2, section 2, line 29, after "council" insert "created".

On page 3, section 2, line 2, after "procedures" insert "solely", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Washington moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3329.

POINT OF INQUIRY

Senator Bailey: "Would Senator Washington yield? Senator Washington, does this change in any way the present power of the local county commissioners to approve. . . ."

Senator Washington: "Could I interrupt? I believe the questions might be more appropriate on final passage because they have nothing to do with the amendment. You may ask at this time if you wish, however."

Senator Bailey: "The question I have has to do with the amendment. Do the amendments in any way change the present powers of the local county commissioners to approve or disapprove the sites?"

Senator Washington: "No, these amendments do not. However, you may want that same question on the bill."

Senator Bailey: "I may want that back in the record on final passage."

The motion by Senator Washington carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3329.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3329, as amended by the House.

POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Washington. Again, does this bill in any way change the present power of the local board of county commissioners to approve or disapprove a site?"

Senator Washington: "No, it does not. They have to approve the site before the siting council can take any action."

Senator Bailey: "The only thing it really does then is make it unnecessary to have another environmental impact report?"

Senator Washington: "Yes, this is the purpose of the act."

POINT OF INQUIRY

Senator Sandison: "Will Senator Washington yield to a question please? Senator Washington, does this bill in any way inhibit the county commissioners or other local officials from making a full and complete study of the environment?"

Senator Washington: "No, it prevents them in no way from making a full and complete study and report on the environmental impact of a proposed thermal power plant. Now I can explain. The bill, if passed, will exempt local officials from preparing a formal statutory detailed statement which is usually referred to as an environmental impact statement. In subsection (4) of this bill it provides that the study made by the Thermal Plant Siting Council shall legally serve in place of the detailed statement, but nothing in this provision or any other provision in the bill will prevent the local authorities from voluntarily securing or considering the same detailed environmental information presently required in the act. If the local authorities fail to secure and consider in detail all pertinent environmental information it will be their own fault, because nothing in this bill will stand in their way from securing this information. Section 2, subsection (7) of the bill specifically provides, 'Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.' Now the Thermal Plant Siting Council, however, must fully comply with the detailed statement requirement, and the sufficiency of this detailed statement may be challenged in court. Then I want to point out that this act has no retroactive effect and does not affect any pending court actions in Skagit County or in any other county where thermal plant sites are under consideration."

REMARKS BY SENATOR WHETZEL

Senator Whetzel: "I would like to add to Senator Washington's remarks that in section 1, subsection (4), to further complete his remarks, that the county may be required to have the detailed statement if they do not have the study prepared by the Thermal Siting Council and I think that was the intention of that part of subsection (4) that the Ecology Committee adopted."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3329, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 3; absent or not voting, 3; excused, 6.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Day, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—36.

Voting nay: Senators Bailey, Sandison, Talley—3.

Absent or not voting: Senators Guess, Lewis (Harry), Mardesich—3.

Excused: Senators Connor, Donohue, Dore, Durkan, Peterson (Lowell), Woodall—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3329, 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 returned to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

February 11, 1974.

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

SIR:

According to the records now on file in my office, the Boards of County Commissioners of Pierce and Kitsap counties as of this date have in concert appointed C. W. (RED) BECK to the position of State Senator, 26th Legislative District, State of Washington, to fill the vacancy caused by the resignation of State Senator Booth Gardner.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, the eleventh day of February, A.D., 1974.

A. LUDLOW KRAMER
Secretary of State.

JOINT RESOLUTION OF THE BOARD OF PIERCE COUNTY
AND BOARD OF KITSAP COUNTY COMMISSIONERS

APPOINTMENT OF STATE SENATOR

FILE NO. 146, RESOLUTION NO. 16951. JOINT RESOLUTION OF THE BOARD OF PIERCE COUNTY COMMISSIONERS AND THE BOARD OF KITSAP COUNTY COMMISSIONERS APPOINTING REPRESENTATIVE C. W. (RED) BECK AS STATE SENATOR FOR THE 26TH LEGISLATIVE DISTRICT, COMPRISING PORTIONS OF BOTH PIERCE COUNTY AND KITSAP COUNTY.

WHEREAS, A vacancy exists in the office of State Senator for the 26th Legislative District by reason of the resignation of Booth Gardner; and

WHEREAS, In accordance with Amendment 52 of the Washington State Constitution, the Democratic State Central Committee, at a meeting of February 9th, 1974, nominated three persons from the 26th Legislative District and the Democratic Party, for the joint consideration of the Board of Pierce County Commissioners and the Board of Kitsap County Commissioners in filling the vacancy in said legislative district, which district is comprised of portions of both Pierce County and Kitsap County; and

WHEREAS, The name of State Representative C. W. (RED) BECK is one of the three names submitted, and the Board of Pierce County Commissioners and the Board of Kitsap County Commissioners believe Representative C. W. (RED) BECK to be well qualified to fill the vacancy;

NOW, THEREFORE, Be it resolved by joint action of the Board of Pierce County Commissioners and the Board of Kitsap County Commissioners:

Section 1. Representative C. W. (RED) BECK is hereby appointed State Senator for the 26th Legislative District, comprising portions of both Pierce County and Kitsap County, Washington, to serve until his successor is elected in the next general election and shall have qualified.

Section 2. It is ordered that a certified copy of this resolution be furnished to the Secretary of State.

PASSED AND APPROVED by joint action of the Board of Pierce County Commissioners and the Board of Kitsap County Commissioners this 11th day of FEBRUARY, 1974.

Signed by: Board of Kitsap County Commissioners: Gene Lobe, Chairman; Frank Randall, W. H. Mahan; Board of Pierce County Commissioners: Clay Huntington, Chairman; Patrick J. Gallagher, George C. Sheridan.

Approved: Robert J. Backstein, Chief Civil Deputy, Prosecuting Attorney. (Not signed by Robert J. Backstein.)

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of newly-appointed State Senator for the Twenty-sixth Legislative District, Representative C. W. (Red) Beck and appointed Senators Walgren, Henry, Day, Sandison, Sellar, Jones and Lewis (Harry) to escort the newly-appointed Senator to the rostrum.

The oath of office was administered to former Representative C. W. (Red) Beck by the President of the Senate at 11:42 a.m.

Business was suspended to permit Senator Beck to address the Senate.

The committee escorted the new Senator to his seat in the Senate Chamber and the committee was discharged.

MESSAGE FROM THE HOUSE

February 6, 1974.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO. 131, with the following amendment:

On page 2, beginning on line 13, after "commission" strike the remainder of the paragraph down to and including "recommendations." on line 15, and insert "discontinue its study of the future of Point Roberts until the authorized County and State agencies complete the land use plan and actions now in process and the Washington State legislature submits any recommendations that may then be deemed appropriate.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Atwood, the Senate concurred in the House amendment to Senate Joint Memorial No. 131.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 131, as amended by the House, and the memorial passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry),

Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody-43.

Excused: Senators Connor, Donohue, Dore, Durkan, Peterson (Lowell), Woodall-6.

SENATE JOINT MEMORIAL NO. 131, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

February 5, 1974.

Mr. President: The House has passed SENATE JOINT RESOLUTION NO. 143, with the following amendment:

On page 1, beginning on line 9 after "over" strike all the material down to and including "sex" on line 24 and insert "[possessing the following qualifications,] *who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution*, shall be entitled to vote at all elections. [They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: PROVIDED, That Indians not taxed shall never be allowed the elective franchise: AND FURTHER PROVIDED, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex.],” and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Grant, the Senate concurred in the House amendment to Senate Joint Resolution No. 143.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 143, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody-43.

Excused: Senators Connor, Donohue, Dore, Durkan, Peterson (Lowell), Woodall-6.

SENATE JOINT RESOLUTION NO. 143, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

MOTION

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

SENATE RESOLUTION 1974-206

By Senators Bailey, Sandison, Woody, Bottiger, Walgren, Lewis (Harry) and Atwood:
 WHEREAS, We, the members of the Senate, congregated here this eleventh day of February, in continuing to carry out the responsibilities delegated to us by the citizens of this State, recognize that in this never-ending challenge we have the abilities of a most respected citizen to guide us on our path; and

WHEREAS, This man, a man of great intelligence, compassion, and courage, has refused to be intimidated in the face of gubernatorial threats, media innuendo and other seemingly insurmountable obstacles in order to put the State on a sound course; and

WHEREAS, This man has struggled to return the Legislature to the helm of the State and check the concentration of power in the executive branch; and

WHEREAS, This man has marvelled the members of the Senate with his skill and dexterity on the floor; and

WHEREAS, This man has enhanced the legislative process with the light of reason, intelligence and common sense; and

WHEREAS, This man has enhanced the stature of the Senate by his verve, style and wit;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the Senate of the State of Washington, pause in our deliberations to honor one of our most honorable members on the occasion of his birthday, Majority Floor Leader August P. Mardesich, and express our hope that he continue to provide his leadership to the Senate and the citizens of the State of Washington.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this 1974 Senate Resolution to Senator August P. Mardesich.

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

SECOND READING

SENATE BILL NO. 2701, by Senator Matson:

Relating to a migrant worker labor camp demonstration project.

MOTION

On motion of Senator Matson, Substitute Senate Bill No. 2701 was substituted for Senate Bill No. 2701, and the substitute bill was placed on second reading and read the second time in full.

POINT OF INQUIRY

Senator Mardesich: "Senator Matson, it seems to me we put the one hundred thousand in the appropriations bill. I am not certain as to what the House did with respect to that. Are you aware or would this appropriation here amount to a duplicate?"

Senator Matson: "I am told that the figure is still in the budget. My opinion into this is implementing the use of that hundred thousand. It is not a double appropriation."

MOTION

On motion of Senator Matson, Substitute Senate Bill No. 2701 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Matson yield? Senator Matson, I certainly am pleased to see what you are trying to do here and the fact that you and Senator Fleming are together on this. There is one statement of purpose in this material that you passed out to us that I just do not get the connection. You say one purpose is to convince the individual farmers

that once they construct a facility it will not be declared illegal by some ruling of state government two or three years hence. How will this project do that?"

Senator Matson: "I am not sure that it will. My purpose is here, if you will recall back in 1968 the Health Department promulgated some new rules in this regard. There was no grandfathering in that and in essence it closed down all housing available. The question is whether it is better for these people to be living on river banks for the short term season or whether it is better for them to have some sanitary facilities, etc. Further, under OSHA there are some other stipulations regarding on-farm housing, and what we are hoping to do is to convince state government, particularly the Health Department, that it is difficult to provide these facilities to start with and they ought to give some sort of an indication that if they further promulgate rules in the future that they ought to at least seriously consider grandfathering in some facilities, at least the better ones."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2701, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—44.

Excused: Senators Donohue, Dore, Durkan, Peterson (Lowell), Woodall—5.

SUBSTITUTE SENATE BILL NO. 2701, having received the constitutional majority, 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. 1516, by Representatives McCormick and Luders:
Expediting certification of thermal power plant sites and lines.

MOTION

On motion of Senator Mardesich, House Bill No. 1516 was referred to the Committee on Rules.

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

MESSAGE FROM THE HOUSE

February 11, 1974.

Mr. President: The House has passed:
SENATE BILL NO. 3272,
SENATE BILL NO. 3304,
ENGROSSED SENATE BILL NO. 3354,
SUBSTITUTE SENATE BILL NO. 3355,
SENATE BILL NO. 3362,
SUBSTITUTE SENATE BILL NO. 3378,
SENATE BILL NO. 3379,
SENATE CONCURRENT RESOLUTION NO. 152, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

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

SENATE RESOLUTION 1974-178

By Senators Odegaard and Sandison:

WHEREAS, The Legislature of this State passed Laws of 1971 1st ex. sess., chapter 66, to "ensure that all handicapped children . . . shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state"; and

WHEREAS, Section 14 of said act made such act and its attendant responsibilities effective July 1, 1973; and

WHEREAS, Educators and medical and physiological experts agree that the education of the handicapped within the classroom, with its variety of problems incidental to the individual participant, requires special training other than that received in the education of the usual certificated employee;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Council on Higher Education be, and is hereby requested to, survey the public institutions of higher education within this state to ascertain the quality of programs being offered both at undergraduate and graduate levels for the advancement of this program of education of the handicapped within this State; and

BE IT FURTHER RESOLVED, That the Council on Higher Education be and is hereby requested to prepare and present its report thereon to the Governor and leaders of the Legislature prior to the convening of the next regular session of the Legislature in January, 1975; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted upon the passage thereof by the Secretary of the Senate to the Council on Higher Education.

MOTION

At 12:10 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

There being no objection, the Senate was declared to be at ease.

The President called the Senate to order at 2:30 p.m.

MOTION

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

SENATE RESOLUTION 1974-179

By Senators Jolly and Donohue:

WHEREAS, Two honored members of the Walla Walla Fire Department, Fire Marshal Gabriel Tichi and Fire Fighter Woodrow Groom, Jr., lost their lives in the line of duty while courageously fighting a fire in sub-freezing temperatures on New Year's Day 1974; and

WHEREAS, Fire Marshal Tichi had served his department with distinction since 1950 and as Fire Marshal since 1968; and

WHEREAS, Fire Marshal Tichi at the time of his passing was serving as Secretary-Treasurer of International Association of Fire Fighters, Local 404, and had served as President of the City-County Employees Union of Walla Walla; and

WHEREAS, Fire Marshal Tichi was a member of Northwest Fire Investigators Association, of the Washington State Adult Occupational Fire Service Training Division, of the Washington State Fire Marshals Association, and as Vice-Chairman of the Washington State Fire Prevention Committee; and

WHEREAS, Fire Fighter Groom had served the Walla Walla Fire Department with dedicated honor since 1969; and

WHEREAS, Fire Fighter Groom had been assigned as a City Fire Inspector, and had fully qualified as a regular duty fire fighter, and was a qualified ambulance driver; and

WHEREAS, Fire Fighter Groom at the time of his passing was Vice President of International Association of Fire Fighters, Local 404, and was serving as Chairman of that Association's negotiating committee; and

WHEREAS, The fire in which these brave men so gallantly gave their lives, and in which two brother fire fighters suffered major injury, posed problems of exceptional difficulty; and

WHEREAS, The state of Washington has suffered serious loss in the passing of these two outstanding fire fighters and citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington expresses sorrow and grief at the loss of these brave men, and expresses great pride in their professional and personal dedication to their duties, a dedication exemplifying the very highest tradition of fire fighters; and

BE IT FURTHER RESOLVED, That the families of these honored men and the Walla Walla Fire Department be provided copies of this resolution.

MOTION

Senator Grant moved adoption of the following resolution:

SENATE RESOLUTION 1974-180

By Senators Grant and Woody:

WHEREAS, The United States, a country with tremendous energy resources, is currently experiencing a shortage, either real or contrived, of all forms of energy, especially petroleum products; and

WHEREAS, This crisis indicates the country's need for responsible development of our resources; and

WHEREAS, If there had been responsible exploration and development of the country's tremendous resources, the current crisis would very likely not now exist; and

WHEREAS, The United States petroleum industry, whether wilfully or through restrictive federal rules and regulations, has abandoned its responsible development of the country's petroleum resources; and

WHEREAS, The current unwillingness of the petroleum industry to make public disclosure of accurate information and statistics concerning the petroleum supplies is evidence of the lack of responsibility shown by that industry; and

WHEREAS, The majority of this nation's citizens have demonstrated their willingness to conserve our resources through self-restraint and to halt wasteful use of energy sources; and

WHEREAS, Reports of excessively high profits by the major oil companies in this country have caused widespread concern and may, if such reports are accurate, be the major cause of skyrocketing prices and galloping inflation throughout our economy;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Congress of the United States and the current administration seriously consider the enactment of legislation to authorize a federal energy corporation to assure the proper development and distribution of our energy resources for all our citizens and to strictly regulate all federal lands including off-shore areas which our country has control of, so as to assure that responsible development of all natural resources shall be for the benefit of all the people; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each member of the Congress from the state of Washington.

MOTION

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1 of the resolution, strike lines 6 through 16.

Debate ensued.

Senator Guess commenced speaking. . . .

POINT OF ORDER

Senator Fleming: "Mr. President, are these additional remarks made on the oral amendment or the resolution as a whole?"

RULING BY THE PRESIDENT

The President: "The President believes the remarks would be on the motion before the Senate, namely the adoption of the oral amendment or the expression of any objections."

POINT OF INQUIRY

Senator Canfield: "Senator Walgren, I certainly think in view of the discussion and so on that it is perfectly all right for this to go to your committee. The reason we did not present this as a joint resolution, I followed the advice of our very knowledgeable Secretary of the Senate and in view of the fact that our time of adjournment was so uncertain, he thought it would be more likely to get favorable action if we had it as a Senate floor resolution rather than a joint resolution. Now, my question to you is this, if time prohibits a joint resolution, would you be willing to work out a Senate floor resolution so we could at least get the consensus of the Senate to the Congress?"

Senator Walgren: "Yes, I think that we could do that. We can have a choice. It is interesting to me the amount of time we are spending on this. I would like to think that these resolutions that we pass here in the Senate and the House, whether they be single resolutions or concurrent resolutions are going to have a tremendous effect upon the people to whom we are resolving. Somehow I do not think that that always happens. We like to know that we are saying something that is going to have an effect, but it seems to me that even if we had a concurrent resolution that passed only this body that we would at least express the views of the Senate. But in any case, Senator Canfield, we will have a double one so that we can take our choice."

Senator Canfield: "Your answer then is in the affirmative. We can get action out of the Senate alone if necessary. Thank you."

Further debate ensued.

Senator Walgren moved that Senate Resolution 1974-180 be referred to the Committee on Transportation and Utilities.

Debate ensued.

The motion by Senator Walgren carried on a rising vote and Senate Resolution 1974-180 was referred to the Committee on Transportation and Utilities.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-181.

Senator Mardesich moved that the following Senate Resolution 1974-181 be referred to the Committee on Transportation and Utilities.

Debate ensued.

SENATE RESOLUTION 1974-181

By Senators Canfield and Washington:

WHEREAS, The residents of the State of Washington and the citizens of the United States face an immediate threat through a shortage of energy supplies; and

WHEREAS, The resulting discomfort and instability sustained by all Americans is a current problem that could seriously affect the security of future generations; and

WHEREAS, Stop-gap energy measures are necessary and long-range programs are vital; and

WHEREAS, The energy shortage has encouraged all people to renew the American tradition of careful preservation of our natural resources; and

WHEREAS, The energy shortage has stimulated new proposals for harnessing energy sources; and

WHEREAS, Science is diligently renewing efforts to utilize solar, geothermal and other energy sources; and

WHEREAS, Oil fuel reserves still exist in abundance on federally owned land within the United States;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Congress of the United States is requested to create a Federal Energy Corporation to explore and produce oil and gas on a maximum of twenty percent of the federal lands; and

BE IT FURTHER RESOLVED, That the Federal Energy Corporation be the last resort of oil and gas supplies; and

BE IT FURTHER RESOLVED, That the Federal Energy Corporation be authorized and instructed to produce an inventory and to supply precise data concerning energy reserves available on public lands; and

BE IT FURTHER RESOLVED, That the Federal Energy Corporation be directed as its ultimate goal to completely research and develop the entire scope of our energy resources; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Richard M. Nixon, President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives and to each member of Congress from the State of Washington.

The motion by Senator Mardesich carried and Senate Resolution 1974-181 was referred to the Committee on Transportation and Utilities.

MOTION

At 3:20 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 6:45 p.m.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "I would like to speak very briefly, Mr. President, and just assure those patient people in the balconies that we are not enjoying the waiting down here any more than you are."

PERSONAL PRIVILEGE

Senator Durkan: "Mr. President, we do appreciate the patience that Senator Lewis is showing in telling his constituents that the legislature is moving slowly but deliberately."

PERSONAL PRIVILEGE

Senator Rasmussen: "Again, Senator Lewis is playing to the galleries."

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2132,
 SENATE BILL NO. 2540,
 SECOND SUBSTITUTE SENATE BILL NO. 2634,
 SUBSTITUTE SENATE BILL NO. 2675,
 SENATE BILL NO. 2904,
 SENATE BILL NO. 3024,
 SENATE BILL NO. 3039,
 SENATE BILL NO. 3052,
 SENATE BILL NO. 3058,
 SENATE BILL NO. 3078,

SUBSTITUTE SENATE BILL NO. 3106,
 SENATE BILL NO. 3116,
 SENATE JOINT RESOLUTION NO. 140.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3147,
 SENATE BILL NO. 3206,
 SENATE BILL NO. 3235,
 SENATE BILL NO. 3272,
 SENATE BILL NO. 3304,
 SUBSTITUTE SENATE BILL NO. 3329,
 SENATE BILL NO. 3354,
 SUBSTITUTE SENATE BILL NO. 3355,
 SENATE BILL NO. 3362,
 SUBSTITUTE SENATE BILL NO. 3378,
 SENATE BILL NO. 3379,
 SENATE JOINT MEMORIAL NO. 131,
 SENATE JOINT RESOLUTION NO. 143,
 SENATE CONCURRENT RESOLUTION NO. 152.

MOTION

Senator von Reichbauer moved adoption of the following resolution:

SENATE RESOLUTION 1974-182

By Senators von Reichbauer and Ridder:

WHEREAS, There are 1,127 American servicemen still listed as missing in action in Indochina one year after the signing of the Vietnam peace accords; and

WHEREAS, There are more than 50 families in Washington with fathers, husbands or sons still on the list of men missing in action; and

WHEREAS, The January 27, 1973, peace accords did make a mutual promise of cooperation on the exchange of information about all servicemen missing in action; and

WHEREAS, The North Vietnamese have not provided such information and have in fact hindered search teams looking for the missing men; and

WHEREAS, President Nixon promised that a complete accounting of the men missing in action would be given the same priority as the return of the 566 American prisoners of war who returned home from North Vietnam in the spring of 1973;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Congress urge the President to demand that the North Vietnamese comply with the 1973 Vietnam peace accords, and that he obtain a full accounting of all American servicemen missing in action;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Richard M. Nixon, President of the United States, to the President of the United States Senate, the Speaker of the House of Representatives, and to each member of the Congress from the state of Washington.

Debate ensued.

The motion of Senator von Reichbauer carried and the resolution was adopted.

MOTION

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

SENATE RESOLUTION 1974-183

By Senators Bottiger and Odegaard:

WHEREAS, Mount Rainier, whose snow-capped peak dominates the sky for leagues around, was discovered by Captain George Vancouver in 1792; and

WHEREAS, Vancouver named this majestic mountain for British Admiral Rainier; and

WHEREAS, Mount Rainier, which stands 14,410 feet in height, was first ascended and explored in 1833; and

WHEREAS, The Indians called the mountain Tahoma and "The mountain that was God"; and

WHEREAS, Mount Rainier was born of fire, as were several other great volcanoes of the Cascade Mountain Range; and

WHEREAS, This great alp inspired John Muir to write "... of all the fire mountains which like beacons once flamed along the Pacific coast, Mount Rainier is the noblest"; and

WHEREAS, Mount Rainier National Park was established in 1899; and

WHEREAS, 1974 marks the 75th Birthday and Diamond Jubilee of Mount Rainier National Park;

NOW, THEREFORE, BE IT RESOLVED, That the Senate wishes to recognize and commemorate this 75th Anniversary of the establishment of the Mount Rainier National Park.

MOTION

Senator Bottiger moved adoption of the following resolution:

SENATE RESOLUTION 1974-184

By Senators Bottiger and Walgren:

WHEREAS, The shortage of petroleum fuel has decreased the amount of such fuel sold in this state; and

WHEREAS, In their efforts to help during the energy crisis, the citizens of this state have curtailed driving and are attempting to use less petroleum fuel; and

WHEREAS, State highway fund income has been reduced in direct proportion to the lesser number of gallons of petroleum fuel sold in the state; and

WHEREAS, The reduction in such revenue has made this state less able to meet the federal matching funds requirements for construction of highways by the department of highways;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that Congress should consider methods of relieving the states of their responsibility to match federal funds and that Congress should consider reducing or eliminating the state matching funds requirements for highway construction; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Honorable Richard M. Nixon, President of the United States, to the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington.

POINT OF INQUIRY

Senator Canfield: "Would Senator Bottiger yield? Senator, I wonder if this should not go to Senator Walgren's committee along with the other two that we dumped on him?"

Senator Bottiger: "Senator Canfield, I discussed this. You will notice his name is on there as one of the sponsors of the floor resolution. The House is passing a similar floor resolution and we are going to simply send them back. The Congress is already aware of the problem. It is just a little bit of weight."

Senator Canfield: "I would not be adverse to passing it if we thought these others were ever going to come out, but I thought the thinking was to send these to Senator Walgren's committee."

Senator Bottiger: "Senator Canfield, you will be notified shortly of a meeting to vote out the other resolutions."

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

MOTIONS

On motion of Senator Day, Senate Resolution 1974-187 was substituted for Senate Resolution 1974-185.

On motion of Senator Day, Senators Ridder and Van Hollebeke were permitted as additional sponsors to Senate Resolution 1974-187.

Senator Day moved adoption of the following resolution:

SENATE RESOLUTION 1974-187

By Senators Day, Ridder and Van Hollebeke:

WHEREAS, agencies of state government and its municipal corporations award numerous contracts for professional consulting services each year; and

WHEREAS, The Senate State Government Committee has considered during the interims of the 43rd Legislature a number of measures relating to competitive bidding for public works contracts and to the processes whereby professional services are secured; and

WHEREAS, In the course of studying these measures, the Senate State Government Committee has found out that there is no uniform procedure for securing such services for public projects; and

WHEREAS, It has come to the attention of the Committee that many qualified professional consultants are not made aware of public projects under consideration, and therefore do not have an opportunity to submit proposals on such projects;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the State Government Committee be requested to conduct a study of the procedures by which agencies of state government and municipal corporations contract for the employment of consultants, engineers, architects, accountants, attorneys, and others providing professional services and to report its findings and recommendations to the next regular session of the Legislature with respect to legislation which would insure uniformity in contracting procedures and which would promote greater participation among persons and firms interested in providing such professional services to state agencies and municipal corporations.

On motion of Senator Day, the following amendments were adopted:

On line 3 of the resolution, after "Committee" insert "and Local Government Committee" and following "Committee" strike "has" and insert "have".

On line 14, after "Committee" insert "and Local Government Committee."

POINT OF INQUIRY

Senator Fleming: "Will Senator Day yield to a question? Senator Day, by the amendment that you made, is it the intent of this resolution for the Senate Local Government Committee to look at those state agencies as it relates to this problem and the Senate Local Government Committee to look at those municipal corporations on the local level in the same vein?"

Senator Day: "Yes, it would be the intent, with the amendment, to have the State Government Committee look at the state level and the Local Government Committee to the municipal contracts and possibly a joint meeting relative to the areas that apply jointly."

The motion by Senator Day carried and the resolution, as amended, was adopted.

POINT OF INQUIRY

Senator Woodall: "Senator Walgren, do you have anything on the program tonight except these resolutions?"

Senator Walgren: "I have just that on the program tonight."

Senator Woodall: "Thank you. It is hardly worth sticking around for."

Senator Walgren: "Well, you do not have to."

MOTIONS

On motion of Senator Atwood, Senator Woodall was excused.

On motion of Senator Walgren, Senate Resolution 1974-186 was ordered held for consideration as the last resolution to be considered this evening.

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

SENATE RESOLUTION 1974-188

By Senators Marsh, Scott, Guess, Sandison, Metcalf and Donohue:

WHEREAS, The members of the legislature recognize that all people within this state should have an opportunity for education, regardless of their financial status or their past personal successes or failures; and

WHEREAS, The State of Oregon has legislation providing for additional public assistance support for educational training towards self-support to mothers receiving funds under the Aid to Families with Dependent Children (AFDC) program; and

WHEREAS, Many mothers are destined to spend too many of their productive years on the AFDC program, supported by Public Welfare, unless they receive educational training and obtain a marketable skill; and

WHEREAS, It is desirable that they are given the opportunity to obtain a marketable skill so that at the conclusion of their training they will be able and capable of obtaining employment in the open labor market and will become self-supporting members of society;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Higher Education Committee conduct a study to examine the feasibility of an educational grant program for recipients of AFDC; and

BE IT FURTHER RESOLVED, That the Department of Social and Health Services, the Council on Higher Education and the State Board for Community College Education are requested to provide such assistance as may be needed to complete the study; and

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the 1975 Session of the Legislature for its consideration.

MOTION

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

SENATE RESOLUTION 1974-189

By Senators Rasmussen, Knoblauch, Bottiger, Newschwander and Stortini:

WHEREAS, Doctor Ernest Banfield, M.D., of Tacoma, Washington, instituted the Mary Bridge Children's Hospital Cleft Palate Clinic, which has provided care for these children in all areas of need since 1956; and

WHEREAS, Dr. Banfield motivated the establishment of the Mary Bridge Children's Hospital Speech and Hearing Clinic, which is now one of the largest of such clinics in the state; and

WHEREAS, With his associates in plastic surgery, Dr. Banfield helped start the first burn unit in the Pacific Northwest, now established in the St. Joseph Hospital in Tacoma; and

WHEREAS, Dr. Banfield has been a member of the Tacoma Metropolitan Park Board since 1962, and served as the president of the Board in 1966, 1971, and will again serve as president in 1974; and

WHEREAS, Dr. Banfield has been a member of the Board of Directors of the Commission and Board Members Branch of the National Recreation and Parks Association since 1968 and has been a member of the Board of Trustees of that association since 1970; and

WHEREAS, Dr. Banfield was installed in October, 1973, as President of the Commission and Board Members Branch of the National Recreation and Parks Association for 1973 and 1974;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That Dr. Banfield is hereby warmly congratulated for his installation as President of the Commission and Board Members Branch of the National Recreation and Parks Association and for his outstanding public service; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this resolution to Dr. Ernest Banfield.

MOTION

Senator Woody moved adoption of the following resolution:

SENATE RESOLUTION 1974-190

By Senators Woody, Knoblauch, von Reichbauer, Keefe, Grant, Wanamaker and Canfield:

WHEREAS, The Youth Development and Conservation Corps provides an opportunity for young people to learn basic work skills in an outdoor environment; and

WHEREAS, The desire of the youth in the state of Washington to become involved in such a worthwhile program has expanded; and

WHEREAS, There is a limited amount of youth that may be a part of this program; and

WHEREAS, There exists the possibility of involving youth under the age of fourteen, especially in the area of environmental conservation; and

WHEREAS, The Youth Development and Conservation Corps has successfully completed many worthwhile projects throughout the state, some of which have saved other state agencies from laying out certain funds;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Senate Parks and Recreation Committee study the possibility of expanding the existing program.

BE IT FURTHER RESOLVED, That a report of such findings and recommendations be transmitted to the next regular session of the Washington State Legislature for its consideration.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to a question? Senator Woody, Senator Knoblauch had a bill in that would expand the youth and the conservation activity. What has happened to that? Has that passed?"

Senator Woody: "We passed it here in the Senate. It does not expand the size of it. It expanded some of the other provisions for the Youth Development and Conservation Corps. It is over in the House right now. They have not taken action on it."

Senator Rasmussen: "Senator Knoblauch, you had better get over there and go to work."

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

MOTION

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

SENATE RESOLUTION 1974-191

By Senators Day, Keefe, Guess, Twigg and Lewis (R. H. "Bob"):

WHEREAS, The state has maintained a claim of ownership to first and second class tidelands and first and second class shorelands; and

WHEREAS, It is of paramount interest to the citizens of the state of Washington to insure fair, equitable and proper sale and leasing of said tidelands and shorelands; and

WHEREAS, The upland owners of land abutting said shorelands and tidelands have a special interest in the acquisition thereof either by lease or by purchase; and

WHEREAS, The Department of Natural Resources is currently leasing said tidelands and shorelands which threatens economic and recreational harm to the said upland owners; and

WHEREAS, The preservation and method of disposition of this valuable natural resource is of importance to all citizens of the state; and

WHEREAS, The citizens of the state and the upland owners must be assured equitable access and methods of acquisition of said tidelands and shorelands;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Committee on Natural Resources of the Senate shall undertake a study of the problems and methods of disposition of said first and second class shorelands and first and second class tidelands.

BE IT FURTHER RESOLVED, That the Department of Natural Resources take no action, promulgate no rules or regulations nor issue any orders respecting the acquisition or disposal of first and second class tidelands and first and second class shorelands until a satisfactory and equitable method be determined by the legislature.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations therefrom be presented to the legislature for its consideration at the next regular session of the Washington State Legislature.

MOTION

On motion of Senator Peterson (Lowell), the following resolution was adopted:

SENATE RESOLUTION 1974-192

By Senators Peterson (Lowell) and Walgren:

WHEREAS, The need for right-of-way for public transportation facilities will continue to grow in the years ahead; and

WHEREAS, The existing rights-of-way of railroads are in some cases being abandoned when no longer required for railroad operations; and

WHEREAS, Considerable reductions in right-of-way acquisition costs could be realized in some instances by purchase of railroad property being abandoned;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Legislative Transportation Committee study the feasibility of acquiring abandoned railroad rights-of-way for the use of public transportation facilities in the state of Washington; and

BE IT FURTHER RESOLVED, That the Legislative Transportation Committee report its findings to the 1975 session of the Washington State Legislature.

MOTION

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

SENATE RESOLUTION 1974-193

By Senators Sandison and Bailey:

WHEREAS, The salmon stocks of the Dungeness River, Clallam County, are a very valuable resource, contributing thousands of dollars annually to the income of Washington State; and

WHEREAS, Dungeness salmon stocks when transplanted to other locations in Washington have proved to be exceptionally beneficial and worthwhile; and

WHEREAS, Obstacles and other problems in the Dungeness River have impaired the migration of and reduced the numbers of salmon available for spawning, thus endangering the future supply of these fish; and

WHEREAS, These problems must be understood and solved as soon as possible in order to maintain and enhance this valuable resource;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senate Standing Committee on Natural Resources conduct a study of the salmon problems of the Dungeness River.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the legislature to be convened in January, 1975.

MOTION

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

SENATE RESOLUTION 1974-194

By Senator Odegaard:

WHEREAS, Sixty percent of Washington's traffic fatalities are attributable in part to the consumption of alcohol; and

WHEREAS, The residents of this state need guaranteed protection from the potential death and destruction caused by drinking drivers; and

WHEREAS, Jail offers guaranteed protection only during the limited period of incarceration and license suspension does not stop all problem drinkers from driving; and

WHEREAS, The drug "Antabuse", made available on a voluntary basis under a controlled medical treatment program, offers a practical treatment for alcoholic abuse and its resultant dangers to the lives and property of our residents; and

WHEREAS, The Lewis County court supervised Antabuse program, offered as a condition of a suspended sentence, has proven to be an effective and desirable alternative to incarceration and has stopped problem drinkers from consuming alcohol;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby recognizes and commends the courts and probation department of Lewis County for their efforts in instituting a monitored Antabuse pilot program for the prevention and treatment of drinking driver offenders.

BE IT FURTHER RESOLVED, That the Senate hereby requests the department of social and health services, pursuant to its powers and duties under chapter 70.96A RCW, the uniform alcoholism and intoxication treatment act, to publicize, develop, encourage, and foster the increased use of monitored Antabuse programs in other counties and regions of the state and to make a report of its efforts and its conclusions thereon to the next regular session of the legislature.

MOTION

Senator Bottiger moved adoption of the following resolution:

SENATE RESOLUTION 1974-195

By Senators Bottiger, Knoblauch and Durkan:

WHEREAS, The Supreme Court of the State of Washington has ruled in *Valentine v. Johnston* that it was the intent of the Legislature that the "rollback statute" should apply to property taxes owed in 1971 ("Phase I" taxes) as a result of a cyclical program of revaluation, and that the statute would therefore require an appropriate property tax rollback where property had been revalued before the enactment of the statute, but where the taxes owed had not yet been collected; and

WHEREAS, This decision has created uncertainty regarding possible deficiencies in county treasuries and the possible impact on the state general fund requiring appropriation action and clarifying legislation by the Legislature.

NOW, THEREFORE, BE IT RESOLVED, That the Senate Ways and Means Committee be directed to study the decision in *Valentine v. Johnston* to determine the required levels of funding and methods therefor to comply with that decision.

BE IT FURTHER RESOLVED, That the results of that study, together with recommendations and proposed drafts of legislation be presented to the next session of the 43rd Legislature in April, 1974.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to a question? Senator Bottiger, do you mean that the Governor is going to have the nerve to call us back into a fourth special session? I see by the bottom of this resolution it states that the Fourth Extraordinary session of the Forty-third Legislature."

Senator Bottiger: "Senator Rasmussen, thank you for your keen eye. May I make an oral amendment asking that that be stricken to the April extension of the Third Extraordinary Session?"

Senator Rasmussen: "Would you accept another amendment which would say to whatever session of the legislature happens to be sitting rather than indicate there is going to be another one this year?"

Senator Bottiger: "Senator Rasmussen, some of your very good friends live out in that area and I would not want it to be reported back in 1977 or 1981 or something like that. I want to pin it down. I was hoping — if we can say April or in case no April session is held, then January."

Senator Rasmussen: However you word it, I do not like that positive announcement in this resolution that we are going to adopt that says the fourth. How would it be, Senator, to be presented to the next session of the legislature?"

Senator Bottiger: "I will accept that if the Clerk will make that amendment."

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

MOTION

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

SENATE RESOLUTION 1974-196

By Senators Sandison and Odegaard:

WHEREAS, The incidence of crime in the state of Washington has increased greatly in the last ten years with a particularly noticeable impact on persons 18 years of age or under; and

WHEREAS, Many of the state's children who become involved in activities of crime do not understand the implications of their actions or the long-run consequences of a criminal record; and

WHEREAS, State law requires teachers to "stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy. . . ;" and

WHEREAS, The State Board of Education, under the direction of the Superintendent of Public Instruction, is required to prescribe by rule and regulation the courses of study required to be taught in all common schools in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate Committee on Education undertake a study of the feasibility of minimum instruction requirements for the study of the criminal justice system for all students of the state's common schools; and

BE IT FURTHER RESOLVED, That it is the intent of the Senate Committee on Education that such study should include consideration of the role of representatives of the criminal justice system, including, but not limited to, law enforcement officers, prosecuting attorneys, judges, and probation officers in such instruction; and

BE IT FURTHER RESOLVED, That the Committee may consult with the State Board of Education, the Superintendent of Public Instruction, and representatives of the criminal justice system and shall report their findings to the Forty-Fourth Legislature; and

BE IT FURTHER RESOLVED, That this resolution be transmitted to the Superintendent of Public Instruction, in his capacity as President of the State Board of Education.

PARLIAMENTARY INQUIRY

Senator Atwood: "Will Senator Walgren yield? How long are you going to keep us here while we wait around for you?"

Senator Walgren: "Well, I hope that most of you will be able to join me in the caucus room."

Senator Atwood: "We have been sitting here for five hours. Can we eat dinner?"

Senator Walgren: "Those of you who are on the Senate Transportation and Utilities Committee, I would appreciate it if you would drop into the committee meeting with us."

Senator Atwood: "My question to you, Senator, is for those of us who are not on your committee, can we go to dinner?"

Senator Walgren: "We are going to convene right after we have our meeting."

Senator Atwood: "Are we going to just run these resolutions as Senator Woodall said or what?"

Senator Walgren: "We are going to run a resolution as soon as we get out of that meeting, which I take it will take us about five minutes."

MOTION

At 7:30 p.m., on motion of Senator Walgren, the Senate recessed until 7:50 p.m.

EVENING SESSION

The President called the Senate to order at 7:50 p.m.

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

MOTION

On motion of Senator Bottiger, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2938.

MESSAGE FROM THE HOUSE

February 11, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2938, and has added the following amendments:

On page 2, section 1, beginning on line 26 of the engrossed bill, line 25 of the original bill, after "state" strike all material down to and including "district" on line 28.

On page 3, section 2, line 4 after "structure" in the language added to Engrossed Substitute Senate Bill No. 2938 by Senator Canfield's amendment insert ": PROVIDED FURTHER, That the term "improvements to real property" shall include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Bottiger moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2938.

Debate ensued.

POINT OF INQUIRY

Senator Day: "Will Senator Bottiger yield? Senator, in the final form now, how often does this bill require a vote on this assessment?"

Senator Bottiger: "Every three years."

Senator Day: "That is the maximum?"

Senator Bottiger: "The fire district could not leave it on for more than three years without it being affirmed by the people. They could do it every year if they wanted to."

Senator Day: "And it is voted in originally?"

Senator Bottiger: "Right."

The motion by Senator Bottiger carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2938.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2938, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Francis, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—36.

Voting nay: Senators Dore, Fleming, Jones, Lewis (Harry), Odegaard, Rasmussen, Sandison, Scott, Twigg, Whetzel—10.

Absent or not voting: Senators Durkan, Greive—2.

Excused: Senator Woodall—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2938, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Woody: "This morning we had the honor up in Snohomish County to have installed a new sheriff and I would like to report to you that the new sheriff in Snohomish County is J. J. Harvey, whom many of you have known down here in Olympia as Major Harvey of the Washington State Patrol. I think his background and of course his relationship with the State Patrol he will insure Snohomish County of a continued excellent leadership in the sheriff's office. If any of you are coming through Snohomish County at some time and wish to visit with him, call him first, let him know you are coming, and I know he would be glad to visit with you."

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

REPORT OF STANDING COMMITTEE

February 11, 1974.

SENATE JOINT MEMORIAL NO. 123, requesting the United States Congress to take necessary action to alleviate the energy crisis (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 123 be substituted therefor and that the substitute memorial do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Keefe, Knoblauch, Peterson (Lowell), Talley, Washington.

MOTIONS

On motion of Senator Walgren, Substitute Senate Joint Memorial No. 123 was substituted for Senate Joint Memorial No. 123, and the memorial was placed on second reading and read the second time in full.

On motion of Senator Whetzel, the following amendment by Senators Whetzel and Matson was adopted:

On page 2, line 13, after "Take action" strike the balance of lines 13 and 14 and insert "to insure that income tax credits and/or oil depletion allowances are utilized for domestic reinvestment or else be repealed;"

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

On page 2, line 14(a), subsection (5) strike "legislation" and insert "regulations".

On motion of Senator Walgren, Engrossed Substitute Senate Joint Memorial No. 123 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Memorial No. 123, and the memorial passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—40.

Voting nay: Senators Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Scott—6.

Absent or not voting: Senators Durkan, Twigg—2.

Excused: Senator Woodall—1.

ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 123, having received the constitutional majority, was declared passed.

CLARIFICATION OF MOTION

Earlier today a motion was made by Senator Walgren to hold Senate Resolution 1974-186 for later consideration. Senate Resolution 1974-186 is identical to Senate Resolution 1974-168 and was therefore not introduced.

MOTION

At 8:13 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Tuesday, February 12, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, February 12, 1974.

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 Sandison, Twigg and Walgren. On motion of Senator Scott, Senator Twigg was excused.

The Color Guard, consisting of Pages Jerry Torner and Kate Hodge, presented the Colors. Doctor Henry S. Rahn, pastor, of the First Baptist Church of Olympia, offered the following prayer:

“ETERNAL GOD OUR FATHER, AT WHOSE COMMAND ALL NATIONS RISE AND FALL, WE THANK THEE FOR THAT HEROIC FIGURE WHOSE BIRTHDAY WE CELEBRATE TODAY. WE REJOICE IN HIS UNDERSTANDING HEART, HIS HIGH RESOLVE IN ALL THINGS TO BE ON THY SIDE. WE REJOICE ALSO IN HIS COURAGE AND KINDNESS, HIS HUMILITY AND HONESTY, IN HIS PASSION FOR UNION, FOR HIS SENSE OF BROTHERHOOD. AS WE HONOR HIM TODAY, MAY WE ACCEPT HUMBLY THE MANTLE OF RESPONSIBILITY AND WORK COURAGEOUSLY TOWARD THE ACHIEVEMENT OF THE UNFINISHED TASKS BEFORE US. FOR THIS WE PRAY IN OUR MASTER’S NAME. AMEN.”

MOTION

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

MOTION

On motion of Senator Knoblauch, the Senate observed a moment of silence in memory of former State Senator Ernest W. Lennart.

Appropriate remarks were made by Senators Knoblauch, Peterson (Ted), Atwood and Canfield.

REPORTS OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENTS

April 14, 1973.

GEORGE W. JOHNSON, to the position of member of the Prison Terms and Parole Board, appointed by the Governor on May 31, 1972 for the term ending May 15, 1977, succeeding Ronald N. Hatten (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Greive, Herr, Jones, Keefe, Murray, Twigg, Woody.

Passed to Committee on Rules.

April 14, 1973.

PHILLIP NUDELMAN, to the position of member of the State Board of Pharmacy, appointed by the Governor on January 26, 1973 for the term ending January 18, 1977, succeeding Donald E. Kusler (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Greive, Herr, Jones, Keefe, Murray, Twigg, Woody.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

February 11, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on February 11, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2046: Repealing the host-guest statutes.

SENATE BILL NO. 2095: Allowing port districts to select a treasurer other than the county treasurer.

SENATE BILL NO. 2120: Imposing additional duties on council on higher education relating to technological education.

SENATE BILL NO. 2551: Prescribing purposes for which motor vehicle funds may be expended.

SENATE BILL NO. 2574: Providing for master degree of social work at Eastern Washington State College.

SENATE BILL NO. 2937: Authorizing cities to expend funds for legal aid.

SENATE BILL NO. 2961: Allowing prosecuting attorneys to employ legal interns.

SENATE BILL NO. 2962: Allowing city attorneys to employ legal interns.

SENATE BILL NO. 3029: Enacting a savings clause for the dissolution of marriage act.

SUBSTITUTE SENATE BILL NO. 3032: Authorizing acceptance, management and expenditure by school district boards of directors of gifts and conveyances.

SENATE BILL NO. 3037: Requiring that "no smoking" areas be designated on state ferries.

SUBSTITUTE SENATE BILL NO. 3049: Authorizing additional means of funding public employee deferred compensation plans.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

February 11, 1974.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1296, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The Houses has passed:

ENGROSSED SENATE BILL NO. 3021,

ENGROSSED SENATE BILL NO. 3064, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1169, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 102, and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 474, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1295, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 816, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1463, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 12, 1974.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 1310,
HOUSE BILL NO. 1334, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 11, 1974.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 102,
HOUSE BILL NO. 474,
HOUSE BILL NO. 816,
HOUSE BILL NO. 1169,
HOUSE BILL NO. 1295,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1463, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 102,
HOUSE BILL NO. 474,
HOUSE BILL NO. 816,
HOUSE BILL NO. 1169,
HOUSE BILL NO. 1295,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1463.

MESSAGE FROM THE HOUSE

February 11, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3118, with the following amendments:

On page 1, section 1, line 16 strike "five" and insert "thirty"

On page 1, section 1, line 21 strike "thirty" and insert "ninety"

On page 2, section 1, line 7 strike "ninety" and insert "one hundred eighty", and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bottiger, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3118 and asks the House to recede therefrom.

APPOINTMENTS TO STANDING COMMITTEES

The President announced the appointments of newly-appointed Senator C. W. (Red) Beck to the following Senate Standing Committees: Transportation and Utilities; Local Government; Parks and Recreation.

MOTION

On motion of Senator Mardesich, the appointments were confirmed.

MOTION

At 10:20 a.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 12:20 p.m.

MOTION

At 12:20 p.m., on motion of Senator Bailey, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MESSAGE FROM THE HOUSE

February 11, 1974.

Mr. President: The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 383, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate refused to recede from the Senate amendments to Second Substitute House Bill No. 383 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 383 and the Senate amendments thereto: Senators Fleming, Murray and Woody.

MOTION

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

February 12, 1974.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 3147,
 SENATE BILL NO. 3206,
 SENATE BILL NO. 3235,
 SENATE BILL NO. 3272,
 SENATE BILL NO. 3304,
 SUBSTITUTE SENATE BILL NO. 3329,
 SENATE BILL NO. 3354,
 SUBSTITUTE SENATE BILL NO. 3355,
 SENATE BILL NO. 3362,
 SUBSTITUTE SENATE BILL NO. 3378,
 SENATE BILL NO. 3379,
 SENATE JOINT MEMORIAL NO. 131,
 SENATE JOINT RESOLUTION NO. 143,
 SENATE CONCURRENT RESOLUTION NO. 152, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 12, 1974.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 2132,
 SENATE BILL NO. 2540,
 SECOND SUBSTITUTE SENATE BILL NO. 2634,
 SUBSTITUTE SENATE BILL NO. 2675,
 SENATE BILL NO. 2904,
 SENATE BILL NO. 3024,
 SENATE BILL NO. 3039,
 SENATE BILL NO. 3052,
 SENATE BILL NO. 3058,
 SENATE BILL NO. 3078,
 SUBSTITUTE SENATE BILL NO. 3106,
 SENATE BILL NO. 3116,
 SENATE JOINT RESOLUTION NO. 140, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1310, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch):

Adopting a supplemental budget on sundry and belated claims.

MOTIONS

On motion of Senator Durkan, Substitute House Bill No. 1310 was advanced to second reading and read the second time in full.

Senator Durkan moved adoption of the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. That the following appropriations are hereby adopted and subject to the provisions set forth in the following sections or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed by the designated agencies and offices of the state and for other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE STATE EMPLOYEES' INSURANCE BOARD State Employees' Insurance Revolving Fund Appropriation.....	\$ 48,569
NEW SECTION. Sec. 3. FOR THE PUBLIC DISCLOSURE COMMISSION General Fund Appropriation	\$ 190,242
NEW SECTION. Sec. 4. FOR THE GOVERNOR'S INDIAN ADVISORY COUNCIL General Fund Appropriation	\$ 116,626
NEW SECTION. Sec. 5. FOR THE ASIAN-AMERICAN ADVISORY COUNCIL General Fund Appropriation	\$ 57,126
NEW SECTION. Sec. 6. FOR THE WASHINGTON STATE WOMEN'S COUNCIL General Fund Appropriation	\$ 58,556
NEW SECTION. Sec. 7. FOR THE STATE TREASURER State Treasurer's Service Fund Appropriation: <i>Provided</i> , That none of this appropriation shall be used to process after January 1, 1975 any warrant issued by the state in payment of salary and wages or reimbursement of expenses paid state officials or employees or payments to vendors which shall contain any statement, representation, contract, or commitment that requires the payee to consent thereto as a condition of endorsement or receiving payment of such warrant	\$ 152,016
War Veterans' Compensation Fund Appropriation	\$ 2,093,815
NEW SECTION. Sec. 8. FOR THE WASHINGTON STATE DATA PROCESSING AUTHORITY General Fund Appropriation: <i>Provided</i> , That \$250,000 of this appropriation shall be used for capitalization of a Data Processing Revolving Fund.....	\$ 525,700
NEW SECTION. Sec. 9. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS General Fund Appropriation	\$ 35,724
NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF REVENUE General Fund Appropriation: <i>Provided</i> , That this appropriation shall be available to fund a pilot program by Pierce county utilizing and developing a system of taxpayer reporting of assessment information as provided in chapter (SB 3135), Laws of 1974 . . . ex. sess.: <i>Provided further</i> , That any part of the appropriation for such pilot program may be used for matching purposes in order to receive federal or other funds: <i>Provided further</i> , That the department of revenue and Pierce county shall each make a separate evaluation of such pilot program and report the results of such evaluation to the House and Senate Ways and Means Committees not later than November 1, 1974: <i>Provided</i> , That \$187,004 shall be expended for the purpose of conducting reevaluation ratio studies or indicated ratio studies as prescribed by chapter 195, Laws of 1973 1st ex. sess.	\$ 387,004
NEW SECTION. Sec. 11. FOR THE UNIFORM LEGISLATION COMMISSION General Fund Appropriation	\$ 2,400
NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION General Fund Appropriation For Operations.....	\$ 109,718
General Fund Appropriation For fossil fuel allocation activities in state government.....	\$ 63,385
General Fund Appropriation: <i>Provided</i> , That this appropriation shall be utilized solely for a demonstration pilot program for migrant labor housing authorized pursuant to the provisions of chapter (SSB 2701), Laws of 1974..... ex. sess.	\$ 100,000
NEW SECTION. Sec. 13. FOR THE INSURANCE COMMISSIONER General Fund Appropriation: <i>Provided</i> , That this appropriation shall be used	

solely for the administration of the voluntary no-fault insurance program in the state	\$ 450,000
NEW SECTION. Sec. 14. FOR THE BOARD OF ACCOUNTANCY	
General Fund Appropriation	\$ 6,000
NEW SECTION. Sec. 15. FOR THE LIQUOR CONTROL BOARD	
Liquor Board Revolving Fund Appropriation	\$ 174,369
NEW SECTION. Sec. 16. FOR THE MILITARY DEPARTMENT	
General Fund Appropriation	\$ 53,440
NEW SECTION. Sec. 17. FOR THE HIGHER EDUCATION PERSONNEL BOARD	
Higher Education Personnel Board Service Fund Appropriation: <i>Provided</i> , That this appropriation shall be used to implement comprehensive classification and compensation plan for classified employees at institutions of higher education	\$ 49,123
NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
General Fund Appropriation	
For Veterans' Services: <i>Provided</i> , That this amount or so much thereof as shall be necessary along with available local funds shall be used to add nursing and medical related staffing at the State Veterans' Home and the State Soldiers' Home so as to meet state licensing standards for domiciliary and nursing home facilities	\$ 450,624
General Fund Appropriation	
For Adult Probation and Parole: <i>Provided</i> , That this amount shall be used to fund the staff necessary to conduct pre-sentence investigations, preliminary hearings and to maintain current services and meet existing workloads.....	\$ 1,030,601
General Fund Appropriation	
For Mental Health: <i>Provided</i> , That the Department of Social and Health Services is authorized to draw this amount in Federal Title XIX funds for use in the Community Mental Health and Drug Abuse programs.....	\$ 2,395,995
General Fund Appropriation	
For Community Social Services: <i>Provided</i> , That this amount shall be used for the Adult Family Home Program to establish a basic monthly rate of \$175.00 for family home care and \$200.00 for minimum nursing care effective July 1, 1974: <i>Provided Further</i> , That this rate will be in effect until such time as the Department establishes a cost-related reimbursement system which shall recognize all relevant cost factors	\$ 130,000
General Fund Appropriation	
For Food Cost Increases: <i>Provided</i> , That a total of \$23,365,519 shall be expended to increase food cost allowances for state institutions, public assistance recipients and vendors for the 1973-75 biennium: <i>Provided</i> , That of this appropriation \$14,871,475 shall be from state funds and \$8,494,044 shall be from federal funds: <i>Provided Further</i> , That the \$8,273,062 in excess social service revenue not contemplated in the 1973-75 biennial appropriations shall be returned to the General Fund and not used to expand departmental programs	\$ 23,365,519
NEW SECTION. Sec. 19. FOR THE HUMAN RIGHTS COMMISSION	
General Fund Appropriation	\$ 46,156
NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund Appropriation: <i>Provided</i> , That this appropriation be used for increased workload due to enforcement of the Contractor's Registration Act	\$ 25,000
NEW SECTION. Sec. 21. FOR THE BOARD OF PRISON TERMS AND PAROLES	
General Fund Appropriation: <i>Provided</i> , That not less than \$65,000 of this appropriation shall be available to provide legal counsel to indigent parole violators	\$ 210,140
NEW SECTION. Sec. 22. FOR THE EMPLOYMENT SECURITY DEPARTMENT	
General Fund Appropriation: <i>Provided</i> , That this amount shall be used for the design, development, and implementation of an experimental program leading to employment of at least 100 mentally retarded persons currently in Activity	

Centers, Sheltered Workshops, Group Homes or Schools for the Mentally Retarded and this program will include employment preparation, diagnostic orientation and testing, academic tutoring, social adjustment, orientation to employment and employment relationships, job search and placement and employer orientation to provide employers of the trainees with an understanding of the unique assets and limitations of the mentally retarded as they relate to employment responsibilities, and will provide for financial penalties to the extent that such performance objectives are not met.....\$	170,000
General Fund Appropriation	
For use in developing a program for the delivery of specialized employment services to persons previously convicted of a felony and all offenders receiving parole stipend moneys must actively participate in preemployment counseling and placement programs approved by the Department of Employment Security and refusal to participate in programs authorized by this provision will result in termination of any post release stipend being provided to subject felons: <i>Provided</i> , That the department shall contract for the development of such a program after calling for competitive bids and contracts awarded under this provision will contain performance specifications and financial penalties to the contractor in the event of nonperformance	\$ 250,000
General Fund Appropriation	
For continuation of an ongoing performance oriented program of moving unemployed persons to full time employment: <i>Provided</i> , That this funding is for the period January 1, 1975 through June 30, 1975: <i>Provided Further</i> , That the funds contained in this appropriation can be expended earlier in the event that the insured unemployment rate exceeds 6.5 percent in an area served by the program	\$ 125,000
NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF MOTOR VEHICLES	
General Fund Appropriation	\$ 521,557
Highway Safety Fund Appropriation	\$ 125,670
Motor Vehicle Fund Appropriation	\$ 16,634
NEW SECTION. Sec. 24. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY	
General Fund Appropriation: <i>Provided</i> , That this appropriation shall be used exclusively for the drug abuse prevention program: <i>Provided</i> , That \$72,327 is from state funds and \$950,000 is from federal funds	\$ 1,022,327
NEW SECTION. Sec. 25. FOR THE STATE PATROL	
General Fund Appropriation	\$ 308,457
Motor Vehicle Fund Appropriation	\$ 430,000
NEW SECTION. Sec. 26. FOR THE POLLUTION CONTROL HEARINGS BOARD	
General Fund Appropriation	\$ 111,092
NEW SECTION. Sec. 27. FOR THE PARKS AND RECREATION COMMISSION	
General Fund Appropriation	
For agency operations: <i>Provided</i> , That \$30,000, or so much thereof as shall be necessary, be utilized for continuation of contractual agreements with Grays Harbor and Pacific Counties for beach patrol and law enforcement on North Beach, South Beach, and Long Beach	\$ 187,218
General Fund—Trust Land Purchase Account Appropriation	\$ 600,000
General Fund Appropriation	
For resource development and to facilitate the commission's capital program.\$	60,824
NEW SECTION. Sec. 28. FOR THE INTERAGENCY COMMITTEE FOR OUT-DOOR RECREATION	
General Fund—Outdoor Recreation Account Reappropriation	\$ 4,456,956
General Fund—Outdoor Recreation Account Appropriation	
For the purpose of updating the state outdoor recreation plan.....\$	46,578
NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF FISHERIES	
General Fund Appropriation	\$ 1,931,202
NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF GAME	
General Fund Appropriation	\$ 23,460
Game Fund Appropriation: <i>Provided</i> , That at no time shall expenditures for Non-game Wildlife Programs exceed revenues realized from sale of personal-	

ized license plates: <i>Provided Further</i> , That \$10,000 shall be used solely for the protection and treatment of injured non-game species	\$ 294,026
NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF NATURAL RESOURCES	
General Fund Appropriation	\$ 16,652
General Fund—Resource Management Cost Account Appropriation	\$ 607,412
NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF AGRICULTURE	
General Fund Appropriation: <i>Provided</i> , That of this appropriation \$65,000 shall be used for inspectors to be utilized in brand inspection and to investigate rustling activities: <i>Provided</i> , That \$5,000 shall be used for brand recording: <i>Provided Further</i> , That \$75,000 shall be expended by the department as their one-third share of a pilot program in Lewis and Thurston Counties directed toward eradication of the Noxious Tansy Ragwort Weed, each county and participating individual agricultural landowner to provide their equal one-third share	\$ 145,000
General Fund Appropriation: <i>Provided</i> , That this appropriation is to be expended exclusively for the operation of an animal diagnostic laboratory at Washington State University: <i>Provided Further</i> , That such amount be reduced proportionately by any sums collected by the Department of Agriculture for the purposes of providing said diagnostic services	\$ 132,000
Grain and Hay Inspection Fund Appropriation	\$ 551,674
NEW SECTION. Sec. 33. FOR THE EXPO '74 COMMISSION	
General Fund Appropriation: <i>Provided</i> , That \$110,000 is for a state environmental program exhibit and a like amount is transferred from the State Trade Fair Fund to the General Fund pursuant to Chapter 93, Laws of 1972 ex. sess.: <i>Provided Further</i> , That \$200,000 is for an Afro-American Pavilion at the Expo '74 Worlds Fair to be matched by at least an equal amount of funds from federal, local, and private sources	\$ 310,000
NEW SECTION. Sec. 34. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION	
General Fund Appropriation for General Apportionment: <i>Provided</i> , That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled—1.0; each full time equivalent student enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the state Superintendent, an added—1.0; all identified culturally disadvantaged children receiving an approved program, an added—.1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts adjusted to reflect legislative appropriation levels shall be used; for school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1972-73 school year: <i>Provided</i> , That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 biennium unless their enrollment exceeds 250 students in grades 9-12 or for nonhigh districts unless their enrollment exceeds 100 students: <i>Provided</i> , That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation; full time equivalent students residing on tax exempt property (Chapter 130, Laws of 1969), an added—.25; full time equivalent students in an approved interdistrict cooperative program (Chapter 130, Laws of 1969), an added—.25: <i>Provided</i> , That \$1,148,325 is included for allocation to local school districts outside the school apportionment formula	

during the 1973-74 school year for the purpose of funding the difference between funds received to date and hereafter through the school apportionment formula for continuation of the \$40 per month salary increase provided for classified employees February 1, 1973 and the amount necessary for such continuation: *Provided*, That an amount not to exceed \$345,020 is included for the five vocational-technical institutes: *Provided*, That no portion of these funds shall be allocated to a school district which expends or anticipates expending moneys in excess of their certified budget or budget extensions thereto as filed with the office of the Superintendent of Public Instruction and the Board of Education: *Provided*, That it is the intent of the Legislature that \$11,100,000 of the funds contained in this appropriation shall be used to reduce maintenance and operations excess levies to the extent an individual school district's revenue for 1974-75 exceeds the school district's revenue for 1973-74 exclusive of the two mill payment delayed from June to July: *Provided*, That the Superintendent of Public Instruction shall withhold from the amounts otherwise to be distributed through the apportionment formula to the districts any funds in excess of such 1973-74 revenues unless such districts demonstrate that excess maintenance and operations levies have been reduced to a comparable level with 1973-74 school district revenues: *Provided*, That no district shall be required to reduce excess maintenance and operation levies if such districts revenue per pupil for basic support is below the state-wide average of the 1973-74 school year for comparable districts: *Provided*, That the receipt of federal funds which can be distributed through the apportionment formula and which provide funding in excess of 1973-74 categorical funding levels shall require the reversion of an equal amount of state funds at the end of the biennium: *Provided Further*, That the Superintendent of Public Instruction shall consult with the House and Senate Ways and Means Committees prior to taking any action in compliance with these provisos and the determination of such committees shall be interpreted as a directive to the Superintendent of Public Instruction.....\$115,775,342

NEW SECTION. Sec. 35. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation

For the Superintendent of Public Instruction for state institutional education program\$ 1,183,003

Sec. 36. Section 112, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: For allocation by the Superintendent of Public Instruction for classified employee salary increases based on local prevailing wage rates and where appropriate equation with the State Department of Personnel salary schedule: *Provided*, That the Superintendent of Public Instruction is authorized to expend from this appropriation an amount not to exceed \$50,000 for the conduct of a salary survey prior to the allocation of this appropriation: *Provided Further*, That [the Superintendent of Public Instruction is authorized to appoint a five member advisory committee to assist in developing guidelines and criteria for allocation of this appropriation] a base rate of not less than \$13.59 per month per full time equivalent classified employee shall be allocated to each district: *Provided Further*, That the Superintendent of Public Instruction is authorized to allocate the balance of this appropriation according to the guidelines developed in the salary survey\$[5,000,000] 7,700,000

NEW SECTION. Sec. 37. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: *Provided*, That this amount shall be used to expand, improve, and develop current and new information and accounting systems designed to improve the data base of the Superintendent of Public Instruction\$ 135,000

NEW SECTION. Sec. 38. FOR SUPERINTENDENT OF PUBLIC INSTRUCTION

There is hereby reappropriated the following sum from chapter 137, subsection 86, Laws of 1973, 1st ex. sess., for allocation to local school districts through the school apportionment formula for the purposes of continuing,

during the 1973-75 biennium a state-wide average \$40 per month salary increase provided for classified employees February 1, 1973 and such additional per full-time classified employee increases (prorated for part-time) as are funded by such allocation, all as heretofore done by the state Superintendent and hereby approved\$ 19,114,368

NEW SECTION. Sec. 39. FOR THE ARTS COMMISSION

General Fund Appropriation: *Provided*, That \$100,000 of this appropriation shall be used for the purpose of securing federal funds to aid in development of a viable operatic program in this state\$ 163,585

NEW SECTION. Sec. 40. FOR THE COUNCIL ON HIGHER EDUCATION

General Fund Appropriation

For the state student financial aid program as authorized by RCW 28B.10.800 through 28B.10.824: *Provided*, That none of these funds shall be expended for administrative purposes\$ 1,800,000

NEW SECTION. Sec. 41. FOR THE STATE LIBRARY

General Fund Appropriation: *Provided*, That \$1,336,000 of this amount should be allotted to local library districts to replace local property tax revenues and maintain present levels of library service: *Provided*, That \$1,669,353 of this amount shall be from Federal funds under which \$1,408,620 is available for library service and \$260,733 is available for capital construction purposes: *Provided However*, That no Federal funds shall be expended unless authorized by the Senate and House Ways and Means Committees of the legislature: *Provided Further*, That \$863,000 of the State, General Funds appropriated to the state library for the 1973-75 biennium shall be held in unallotted status and against which no expenditures or commitments shall be made pending the determination by the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees as to whether or not Federal funds can be authorized in lieu of the \$863,000 appropriation of state funds: *Provided Further*, That if the Federal funds are available, the \$863,000 in state funds shall revert to the state treasury.....\$ 4,498,691

NEW SECTION. Sec. 42. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation: *Provided*, That an additional one hundred and fifty students may be enrolled for the 1974-75 school year and such enrollment growth shall be in addition to the 1973-75 allowed enrollment level.....\$ 171,627

NEW SECTION. Sec. 43. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation: *Provided*, That \$100,000 is appropriated to accelerate and expand current research into alternative methods of burning grasses grown for commercial seed production pursuant to implementation of the Federal Clean Air Act: *Provided*, That \$30,800 of this appropriation shall be used for research into alternative methods of controlling the noxious weed Tansy Ragwort (*Senecio-Jacobaea*): *Provided*, That the remaining \$13,750 of this appropriation shall be used for research into an inventory of wetlands and the benefit of wetlands for water fowl habitat: *Provided*, That an equal amount of \$13,750 shall be provided to Washington State University by the Department of Ecology from funds available to the Department of Ecology for water research: *Provided Further*, That the appropriation of \$50,000 made to Washington State University by section 3, chapter 131, Laws of 1973 1st ex. sess. for staff, design, and beginning construction of an underground distribution test site, shall be placed in reserve and not expended....\$ 144,550

NEW SECTION. Sec. 44. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: *Provided*, That this appropriation shall be for the continued implementation of a Management Information System directed toward analytical data gathering and evaluation of such data as required by the Legislative and Executive branches of government: *Provided Further*, That no expenditure of any of these funds shall be made until the final system design is approved by the State Data Processing Authority and the Office of Program Planning and Fiscal Management\$ 500,000

NEW SECTION. Sec. 45. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS
General Fund Appropriation: *Provided*, That these funds shall be distributed

to institutions of higher education including community colleges to implement a uniform personnel classification and compensation system.....\$ 1,467,000

NEW SECTION. Sec. 46. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation: To provide effective July 1, 1974, sufficient appropriations as are necessary to implement a sixth increment step for ranges five through twenty-two inclusive, to the State Personnel Board salary schedule as adopted effective January 1, 1974; *Provided*, That all employees in ranges five through twenty-two who on July 1, 1974 have been in the fifth step for twelve months or more shall on July 1, 1974 advance to the sixth step; employees who have been in the fifth step less than twelve months shall advance to the sixth step on their regular periodic increment date and any employee subsequently completing twelve months at the fifth step shall advance to the sixth step on their periodic increment date; *Provided Further*, That funds may be allocated from this appropriation to provide comparable salary increases for employees of judicial and legislative agencies; *And Provided Further*, That classified employees under chapter 28B.16 RCW who are assigned to HEPB salary range 41 or below shall receive a 5% salary increase on July 1, 1974, if they were at the top step of their institutional salary range on or before July 1, 1973, or whenever they would have completed 12 months at the top step of their former institutional range and who are not now eligible for a 5% incremental step under the Higher Education Personnel Board Compensation Plan adopted January 1, 1974.....\$ 4,650,228

Special Fund Salary Increase Revolving Fund Appropriation: The State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective July 1, 1974, a sixth step for ranges five through twenty-two inclusive, to the State Personnel Board salary schedule as adopted effective January 1, 1974, and for comparable salary increases for employees of judicial and legislative agencies; and for a five percent salary increase for classified employees under the jurisdiction of chapter 28B.16 RCW who are assigned to HEPB salary range 41 or below effective July 1, 1974, if they were at the top step of their institutional salary range on or before July 1, 1973 or whenever they would have completed 12 months at the top step of their former institutional range and who are not now eligible for a 5% incremental step under the Higher Education Personnel Board compensation plan adopted January 1, 1974.....\$ 1,743,108

Sec. 47. Section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: *Provided*, That up to \$[100,000] 146,000 of this appropriation shall be made available for establishment and support of a Master of Social Work graduate program during the 1973-75 biennium\$[20,983,044] 20,992,445

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (SSB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 684,383

Sec. 48 Section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: *Provided*, That Central Washington State College may expend an amount not to exceed \$125,000 to explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies.....\$[22,148,218] 21,655,934

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (SSB 2854)] 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 850,876

Sec. 49. Section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation\$[25,530,776] 24,618,515

General Fund Appropriation: For salary and related fringe benefit increases

in addition to any other increases authorized by chapter [. . . (SSB 2854)]
 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 1,032,000

**NEW SECTION. Sec. 50. FOR THE STATE BOARD FOR COMMUNITY COLLEGE
 EDUCATION**

	From the Community College Capital Improvements Account	From the Community College Capital Projects Account
(1) Construct classrooms, science labs, faculty offices, learning resource center, administration, dining and storage space at Olympia Vocational Technical Institute	1,382,377	222,000
(2) Working drawings for vocational facilities, a learning resource center, faculty and administrative offices, and classroom at Spokane Community College (Mission Campus).....	282,957	
(3) Working drawings for administrative space, remodeling the learning resource center, and a new welding facility at Green River Community College	40,216	
(4) Working drawings for vocational facilities, learning resource center space and remodeling of present library at Lower Columbia Community College	75,967	
(5) Working drawings for vocational facilities, science labs and faculty offices at Everett Community College	64,737	
(6) Working drawings for vocational facilities, additions to the library and dining facilities and remodeling of the library at Peninsula College	20,756	5,654
(7) Working drawings for dining, office, health, bookstore, study space, and remodeling of existing facility at Columbia Basin College.....		48,272
(8) Working drawings for a library addition, student dining and activity space, and remodeling at Spokane Community College (Spokane Falls Campus)	18,167	59,468
(9) Working drawings for vocational facilities and faculty offices in Unit C at the South Seattle campus of Seattle Community College....	24,229	
(10) Working drawings for dining and office space at Ft. Steilacoom Community College...	7,481	17,455
(11) Working drawings for dining space and remodeling at Yakima Valley College.....		22,839
(12) Working drawings for dining space, science labs, and physical education space at Edmonds Community College	85,312	16,250
(13) Working drawings for learning resource center and related office space at Olympic College	30,719	
(14) Working drawings for student activity space at Walla Walla Community College.....	23,059	
(15) Working drawings for library, classrooms, and labs at Shoreline Community College.....	46,133	

NEW SECTION. Sec. 51. FOR THE STATE PARKS AND RECREATION COMMISSION

	From the Fund Designated	From the General Fund
For development of Snowmobile Facilities at Mt. Spokane and for safety improvements at Moran State Park.....		30,300

NEW SECTION. Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation

For capital improvements required to certify schools for the retarded as skilled nursing homes.....	\$	650,000
General Fund—State and Local Improvement Revolving Account—Social and Health Services Facilities: Appropriated pursuant to the provisions of chapter 130, Laws of 1972 ex. sess., (Referendum 29), for social and health services facilities: The Department of Social and Health Services is authorized to obligate for purposes of carrying out the provisions of chapter 130, Laws of 1972 ex. sess., For Capital Improvements at the State Veterans' Home and the State Soldiers' Home required to meet state fire and safety standards	\$	2,000,000

NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF FISHERIES

	From the Fund Designated	From the General Fund
(1) For the construction of the Elwha spawning and egg incubation channel or such other capital facilities as needed to restore Elwha salmon run		280,000
(2) For capital construction and improvements at Minter Creek Hatchery.....		200,000

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF GAME

	Reappropriations	From the General Fund
General Fund Outdoor Recreation Account 1971-73 biennium	362,993	

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF NATURAL RESOURCES

	From the Fund Designated	From the General Fund
(1) For capital facilities at Larch Mountain Honor Camp General Fund CEP&RI Account.....	200,000	
(2) For nursery reforestation and timber sale capital facilities Resource Management Cost Account.....	1,777,000	
(3) For reforestation access road construction General Fund Forest Development Account....	200,000	

NEW SECTION. Sec. 56. FOR EASTERN WASHINGTON STATE COLLEGE

Eastern Washington State College Capital Projects Account Appropriation for planning and working drawings for a fresh water research laboratory \$	30,000
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NEW SECTION. Sec. 57. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this 1974 amendatory act to June 30, 1975, except as otherwise noted.

SUNDRY CLAIMS

General Fund Appropriation for relief of various individuals, firms and corporations for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:

WESTERN WASHINGTON STATE COLLEGE

Final payment under agreement between the Washington State Office of Economic Opportunity and Western Washington State College (New Careers Program)	\$	23,063.50
SALLY R. PATE, Reimbursement for special education classes at Seguin School for her son, Steven Robert Pate	\$	2,346.02
SKAMANIA COUNTY TREASURER, For labor and equipment used on Fire District No. 74 flume fire	\$	641.06
LAYTON AND ROY STALCUP, For refund of fuel tax	\$	487.82
GRAYS HARBOR COUNTY AUDITOR, For payment of deficiency in the Tuberculosis Fund	\$	21,467.45
ROBERT BENSON, PUBLIC PRINTER, For supplies and services furnished in prior biennium to State Board for Community College Education	\$	733.12
GEORGE ALLEN HARGROVE, For relief for unjust imprisonment, King County Cause No. 49436: <i>Provided</i> , That the State Auditor is directed to draw up a separate warrant with voucher to be presigned by said George Allen Hargrove saying "the acceptance of this amount relieves the state of further claims on this case"	\$	38,000.00
JOSEPH S. KANE, For attorney fees and cost from representing petitioner George Allen Hargrove: <i>Provided</i> , That the State Auditor is directed to draw up a separate warrant to be presigned by said Joseph S. Kane stating "the acceptance of this amount relieves the state of further claims on this case and satisfies any claim for legal services I have against my client, George Allen Hargrove"	\$	2,000.00
JOHN H. STENDER, Damage to automobile	\$	84.00
FRANK T. CONNOR, Damage to automobile	\$	101.80
JOHN S. MURRAY, Damage to automobile	\$	113.73
ANNE K. MACRAE, Damage to automobile	\$	116.93

PUBLIC ASSISTANCE BELATED CLAIMS

General Fund Appropriation to the Department of Social and Health Services and to be paid by the Department of Social and Health Services to the following vendors in full settlement of services rendered to welfare patients to be paid at the rate of sixty-seven percent of each late billing received for services rendered on vouchers approved by the Department of Social and Health Services:

PROVIDENCE HOSPITAL, For hospital services rendered at the request of the Department of Social and Health Services	\$	7,406.11
MALCOLM GARBER, M.D., For services rendered at the request of the Department of Social and Health Services.....	\$	54.00
ARTHUR J. MADSEN, M.D.	\$	3,387.52
CHARLES T. AMES	\$	16.08
E & E LABORATORIES	\$	230.39
NEUROLOGICAL ASSOCIATION	\$	135.34

NEW SECTION. Sec. 58. Notwithstanding any other provision of law to the contrary, the Department of Social and Health Services shall not implement a simplified grant schedule for public assistance recipients prior to June 1, 1974. The grant schedule in effect on January 1, 1974, shall remain effective until the Legislature can review alternatives to the present system of providing grants: **PROVIDED FURTHER**, That where assistance is being provided in the form of child welfare services resulting from a juvenile court order and the recipient person attains the age of eighteen, the department shall, in lieu of general assistance payments continue the child welfare services through the end of the school year immediately following the recipient person's eighteenth birthday if the recipient person otherwise qualifies for such services.

NEW SECTION. Sec. 59. It is the intention of the Legislature that \$3,072,876 from local funds presently available within the Public Health Program of the Department of Social and Health Services for Firland Hospital shall remain unexpended at the end of the 1973-75 biennium.

NEW SECTION. Sec. 60. It is the intention of the Legislature that the department of social and health services shall allocate from the current appropriation for the developmental disability program \$50,000, or so much thereof as is necessary to implement the department of personnel salary survey findings for the Schools for the Blind and Deaf in compliance with the recommendations presented at the November 8, 1973 Personnel Board meeting.

NEW SECTION. Sec. 61. (1) Notwithstanding the provisions of chapter 139, Laws of 1973 1st ex. sess., the department of social and health services shall establish nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and which may include a reasonable rate of return on investment; said formula shall provide that no payments shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such system: PROVIDED FURTHER, That such reimbursement system shall not take effect until the department has specified staffing and other relevant treatment standards for the various classes of nursing homes and projected the costs associated with the establishment of such standards, and such standards and cost projections have been approved by the Ways and Means Committees of the House and Senate: AND PROVIDED FURTHER, That after such approval, the department shall file with the Ways and Means Committees of the House and Senate at least quarterly a report of the progress achieved in meeting such standards throughout the state and the actual costs incurred thereby.

(2) The department of social and health services shall explore the cost effectiveness of utilizing vendor services for medical assistance data processing, but shall not enter into any contract for such services without the approval of the Senate and House Ways and Means Committees.

NEW SECTION. Sec. 62. Notwithstanding any other provision of law or rule and/or regulations, the superintendent of public instruction is authorized to use not more than \$45,000 of apportionment funds to expand the state venereal disease education program and \$25,000 to assist the Pacific Science Center in conducting school district supplemental programs: PROVIDED, That the superintendent shall use funds currently held in reserve status to finance these programs.

NEW SECTION. Sec. 63. Notwithstanding any provisions of RCW 28B.16.100 the implementation of salary adjustments provided for higher education classified personnel by sections 44 and 45 of this 1974 amendatory act shall be subject only to the approval of the Office of Program Planning and Fiscal Management as to the availability of funds.

NEW SECTION. Sec. 64. There is hereby appropriated out of funds made available to this state under section 903 of the Social Security Act, as amended, the sum of five hundred thousand dollars, or so much thereof as may be necessary, to be used under the direction of the commissioner of the employment security department for the purpose of paying the legally authorized and required salaries and fringe benefits, including prior biennium employer contributions to the Public Employees Retirement System for retirement service credits, to the employees of the employment security department of the state of Washington in the event and to the extent that the United States or its agents fail or refuse to supply sufficient current obligational authority to make such payments at the staff level in effect for such department on February 1, 1974, for the remainder of the 1973-1975 biennium: PROVIDED, That no part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning on the date of enactment of this 1974 amendatory act: PROVIDED FURTHER, That the amount obligated pursuant to this 1974 amendatory act during any twelve-month period beginning on July 1st and ending on the next June 30th shall not exceed the amount by which (1) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act during such twelve-month period and the twenty-four preceding twelve-month periods exceeds (2) the aggregate of the amounts obligated for administration and paid out for

benefits and charged against the amounts credited to the account of this state during such twenty-five twelve-month period.

NEW SECTION. Sec. 65. The Office of Program Planning and Fiscal Management is hereby authorized and directed to transfer 1973-75 General Fund allotments from the Superintendent of Public Instruction to the Council on Higher Education after passage of Chapter . . . (SB 3159), Laws of 1974 . . . ex. sess. on the effective date of such chapter, as follows:

(1) So much of the \$5,000 appropriation to the Superintendent of Public Instruction remaining unexpended from the appropriation made in chapter 134, Laws of 1973 1st ex. sess. for assistance to blind students as provided for in RCW 28B.10.215; and

(2) \$7,500 from the appropriation made in chapter 134, Laws of 1973 1st ex. sess. for the Superintendent of Public Instruction (including Board of Education) to implement the provisions of chapter . . . (SB 3159), Laws of 1974 . . . ex. sess.

NEW SECTION. Sec. 66. The Office of Program Planning and Fiscal Management shall prepare a report on unfilled and unfunded positions for each and every agency of state government subject to executive budget review under the provisions of chapter 43.88 RCW. This report shall be submitted to the chairmen of the House and Senate Ways and Means Committees on or before March 29, 1974. The form and content of the report and the form and manner of data submission by state agencies shall be as prescribed by the Director of the Office of Program Planning and Fiscal Management subject to the approval of the chairmen of the House and Senate Ways and Means Committees.

NEW SECTION. Sec. 67. (1) Federal funds, which were not anticipated relative to the appropriations enacted by the Legislature for the biennium ending June 30, 1975 for programs financed from both state and federal revenues, shall be used in lieu of moneys from state or local revenue sources unless prohibited by federal law, rule, regulation or other restriction. The provisions of RCW 43.79.260 through RCW 43.79.280 shall not apply to authorize expenditures beyond appropriated amounts from federal funds subject to this subsection. Exceptions to the rule imposed by this subsection may be granted by the Legislature if in session or by the Legislative Budget Committee during the interim between legislative sessions.

(2) Notwithstanding the provisions of RCW 43.79.260 through RCW 43.79.280 federal funds which are not subject to subsection (1) of this section and which were not anticipated relative to appropriations enacted by the Legislature shall not be allocated for expenditure in excess of appropriations provided by law for the biennium ending June 30, 1975 without prior approval of the Legislature if in session or by the Legislative Budget Committee during the interim between legislative sessions.

(3) Notwithstanding the provisions of RCW 43.79.260 through RCW 43.79.280 any unanticipated state or local revenues to appropriated funds or accounts shall not be allocated for expenditure in excess of appropriations provided by law for the biennium ending June 30, 1975 without prior approval of the Legislature if in session or by the Legislative Budget Committee during the interim between legislative sessions.

NEW SECTION. Sec. 68. It is the intention of the legislature that the term "agencies" as used in section 86, chapter 137, Laws of 1973 1st ex. sess. for the purposes of authorizing an additional state contribution to employees health insurance shall include the employees of the Public Pension Commission, Office of the Governor, Lieutenant Governor, Supreme Court, State Law Library, Court of Appeals, Administrator for the Courts, and the Judicial Council.

NEW SECTION. Sec. 69. Notwithstanding the provisions of RCW 43.03.060 relative to a maximum limit on the reimbursement of state officers and employees for use of private automobiles on official state business during the fiscal biennium ending June 30, 1975, state officers and employees shall be reimbursed for their expenses necessarily incurred in authorized travel by private automobile on official state business at a mileage rate of not to exceed thirteen cents per mile, effective March 1, 1974 as directed by the director of the Office of Program Planning and Fiscal Management. It is the intent of the Legislature that the Office of Program Planning and Fiscal Management and each state agency will carefully review existing travel practices and policies governing utilization of privately-owned automobiles on official state business and that sufficient economies be effected to at least

offset any additional costs associated with the increase in the maximum reimbursement rate. The increase in the maximum rate allowed by this section shall not be used as the basis for any supplemental legislative appropriation.

Sec. 70. Section 62, chapter 137, Laws of 1973 1st ex. sess. is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation: PROVIDED, That \$767,000 of the appropriation shall be expended as matching funds for activated air pollution control authorities and if such authorities do not match these funds during the 1973-75 biennium in an amount equal to the amount appropriated by this proviso, then the unexpended state funds shall revert to the department of ecology and it is the intent of the legislature that no additional job positions be created by activated air pollution control authorities with funds available from this proviso: PROVIDED FURTHER, That in order to prevent unnecessary expenditures it is the intent of the legislature that the department make use of the air monitoring and surveillance capabilities of activated air pollution control authorities wherever possible: AND PROVIDED FURTHER, That the department shall recommend to the federal Environmental Protection Agency that only up to \$700,000 of available air pollution control grant funds be given to the department for the 1973-75 fiscal biennium and that all other available grant funds be given to activated air pollution control authorities in the state \$ 13,573,988

NEW SECTION. Sec. 71. All personnel services contracts except those which the director of the Office of Program Planning and Fiscal Management may exempt after consultation with the Legislative Budget Committee shall be filed with the Office of Program Planning and Fiscal Management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this 1974 amendatory act.

NEW SECTION. Sec. 72. In addition to any funds contained in this 1974 amendatory act, appropriations made by the Legislature may be expended for programs set forth in chapter 137, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 73. Section 6, chapter 139, Laws of 1973 1st ex. sess. (unmodified) is hereby repealed.

NEW SECTION. Sec. 74. If any provision of this 1974 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 75. This 1974 amendatory 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 Durkan moved adoption of the following amendment by Senator Henry to the amendment by Senator Durkan:

On page 11, section 32, line 4, after "in" and before "Lewis" insert "Clark, Cowlitz and"

POINT OF INQUIRY

Senator Lewis (Harry): "Senator Durkan, I see we have about seventy-five thousand dollars as their one-third share of this pilot program. Now that we have spread this pilot project over four counties, are you satisfied that there are sufficient funds to do a pilot program, secondly, my second question is, does this mean that the pilot project is required to be done in all four counties simultaneously or could they select Lewis and Thurston?"

Senator Durkan: "First, as to the amount of money, we have asked the department to provide us as to how much additional funds they are going to need. And I would assume that after they have examined Cowlitz County and Clark County as to the additional needs in that area, they will come back in and ask for additional funds, but this amount of money which they have now will enable them to begin. As to whether or not the pilot program should be in all three counties it would be my guess perhaps that this should be probably of administrative discretion and I am willing to permit the department to go ahead with it."

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

On motion of Senator Durkan, the following amendments to the amendment by Senator Durkan were adopted:

Amend the Senate amendment as follows:

On page 19, section 41, line 8, strike "4,498,691" and insert "3,005,353"

On page 33, section 63, line 32, after "sections" strike "44 and 45" and insert "45 and 46"

On motions of Senator Canfield, the following amendment to the amendment by Senator Durkan was adopted:

On page 34, section 64, line 28 strike "period" and insert "periods"

Senator Dore moved adoption of the following amendment to the amendment by Senator Durkan:

On page 30 of the amendment, strike line 31 and down through "case" on line 32 and insert: "the acceptance of this amount releases the state and all of its subdivisions, and their agents, of further claims arising out of the herein described alleged false imprisonment of the claimant"

POINT OF INQUIRY

Senator Fleming: "Would Senator Dore yield to a question? Senator Dore, does that amendment need 'alleged' in there since it has already been proven that this was a false arrest of this individual?"

Senator Dore: "I understand there has been no trial, there is just a claim filed and I do not think they. . ."

Senator Fleming: "He has been acquitted and he is out. . ."

Senator Dore: "It is standard legal language in a settlement. You do not admit you are guilty. You say 'alleged' and then so on."

Senator Fleming: "He has been proven innocent, from my understanding."

Senator Dore: "You asked me for my answer, Senator. This is standard language in a settlement. There has been no court determination of his guilt or innocence one way or the other. I have no objection if you want to knock it out."

Senator Fleming: "You are the attorney and I was just asking you because you did not have any proof one way or another whether it had been a court case or not."

Senator Dore: "I would have no objection if you made an oral amendment and knocked it out, but that is usually standard language for a settlement claim."

Senator Fleming: "Maybe some other attorney will want to address themselves to it."

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

Senator Atwood moved adoption of the following amendment to the amendment by Senator Durkan:

Beginning on page 4, line 27, strike all of section 18 and insert:

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation: <i>Provided</i> , That \$15,035,730 is from state funds, \$135,834 is from local funds, and \$33,281,840 is from federal funds: <i>Provided Further</i> , That this appropriation shall be expended for the following purposes	\$ 48,453,404
Adult Corrections and Rehabilitation	\$ 2,226,220
Juvenile Rehabilitation	\$ 280,137
Mental Health	\$ 5,189,250
Developmental Disabilities: <i>Provided</i> , That the Department of Social and Health Services shall allocate \$50,000 or so much thereof as is necessary to implement the Department of Personnel salary survey findings for the Schools for the Blind and Deaf in compliance with the recommendations presented at the August 7, 1970 Personnel Board Meeting	\$ 5,769,044
Veterans' Services: <i>Provided</i> , That this amount or so much thereof as shall be necessary along with available local funds shall be used to add nursing	

and medical related staffing at the State Veterans' Home and the State Soldiers' Home so as to meet state licensing standards for domiciliary and nursing home facilities\$ 525,209

Income Maintenance, Community Social Services, Medical Assistance: *Provided*, That \$3,500,000 of this appropriation shall be used to provide reimbursement to nursing homes for purchase of restorative services for nursing home patients: *Provided Further*, That \$1,000,000 of this appropriation shall be used to increase state rates for reimbursement for nursing home services to establish minimum wage scales for nursing home personnel effective July 1, 1974, pursuant to Department of Social and Health Services regulations: *Provided*, That notwithstanding the provisions of chapter 139, Laws of 1973 1st ex. sess., the department shall establish nursing home accounting and reimbursement systems which recognize relevant cost related factors for Department of Social and Health Services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and which may include a reasonable rate of return on investment; said formula shall provide that no payments shall be made to a nursing home which does not permit inspection by the Department of Social and Health Services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such system.\$ 33,009,028

Public Health\$ 151,055

Administration and Supporting Services: *Provided*, That the Department shall explore the cost effectiveness of utilizing vendor services for medical assistance data processing, but shall not enter into any contract for such services without the approval of the Senate and House Ways and Means Committees\$ 1,303,461

Provided, That the sum of \$10,500,000 held as revenue reserve under provisions of Section 6, chapter 139, Washington Laws, 1973, 1st ex. sess., shall be allocated in its entirety as a portion of state share of this appropriation."

Debate ensued.

POINT OF INQUIRY

Senator Whetzel: "I wonder if Senator Atwood would yield? In this appropriation to DSHS, do I understand that we have either other legislation or other provisos in this budget that will take care of unanticipated receipts and otherwise provide some legislative control over this appropriation that could be handled during the interim when we are not in session?"

Senator Atwood: "That is correct. If you will look in the boilerplate that Senator Durkan has on your desk, there are about three sections, and I might point out that the boilerplate has been expanded to cover all agencies, not just DSHS. This was Representative Shinpoch's idea and I agreed with him on it. It is a good idea. I am not sure what the sections are, I do not have a copy with me, but it is in the boilerplate, in the back end."

Senator Whetzel: "Does that in effect constitute legislative review over this budget so that..."

Senator Atwood: "Yes, it does."

Senator Whetzel: "So that it may not be necessary to bring the entire legislature in session to review this?"

Senator Atwood: "That is correct. It provides for House and Senate Ways and Means and they will, see, review and approve before expenditure of any of these federal funds."

Senator Newschwander demanded a roll call and the demand was sustained by Senators Atwood, Bailey, Metcalf, Lewis (Harry), Jones, Clarke, Washington, Durkan and Sandison.

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

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Atwood, Canfield, Clarke, Greive, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—19.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—30.

Senator Atwood moved adoption of the following amendment to the amendment by Senator Durkan:

Senator Atwood moved adoption of the following amendment to the amendment by Senator Durkan:

On page 20, beginning on line 16 strike all of new section 44 and insert:

"NEW SECTION. Sec. 44. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: *Provided*, That this appropriation shall be for the continued implementation of a Management Information System directed toward analytical data gathering and evaluation of such data as required by the Legislative and Executive branches of government: *Provided Further*, That no expenditure of any of these funds shall be made until the final system design is approved by the State Data Processing Authority and the Office of Program Planning and Fiscal Management\$ 500,000

Community College Capital Projects Account Appropriation: *Provided*: That funds are made available from release of current reserve requirements, as retained in the Community College Bond Retirement Fund, contingent upon refinancing of revenue tuition bonds to full faith in credit bonds under HJR 52: *Provided Further*, That such funds released shall only be used for the purchase of capital assets\$4,000,000"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Atwood yield to a question? Senator Atwood, you are anticipating four million in the release of the reserve funds when they refinance the bonds?"

Senator Atwood: "There is over eight million, Senator. This is an expenditure of half."

Senator Rasmussen: "It is my understanding that this will not be available for some considerable time."

Senator Atwood: "It will not be available until they go through the refunding process but it is my understanding it will be done in the next six months."

Senator Rasmussen: "I would think, Senator, also that before this money was allocated for anything else, we ought to have some word before this legislature what they intend to spend it for rather than just releasing it for them to spend for anything that they so desire."

Senator Atwood: "Mr. President, in reply to Senator Rasmussen, it is only for capital assets, which is equipment only, Senator, laboratory equipment and things like that. One time purchases. It is not for maintenance and I took all that language out in that proviso of the Senate bill that went out of here. I think they are in very desperate shape for it. Some of the colleges have presented lists of major items of equipment and the board can furnish you those."

Debate ensued.

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, just a short answer. I have no disagreement with Senator Atwood on what he proposes, but even his amendment would take, I do not think

you could get the bonds sold or moved in less than four to six months. By that time this whole problem will have been resolved. The total problem of community colleges will have been resolved and we will be able to do the job. And on that basis I still would oppose it.”

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

Senator Atwood moved adoption of the following amendment to the amendment by Senator Durkan:

On page 29 after section 56 add a new section 57 as follows:

**“NEW SECTION. Sec. 57. FOR THE WASHINGTON FUTURE PROGRAM
Appropriated to: DEPARTMENT OF ECOLOGY**

General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess., (Referendum 26), for up to fifteen percent of the overall cost of any project except that (1) the state portion of solid waste management, lake rehabilitation, or irrigation return flows may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities. . . . \$ 29,623,000

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess. (Referendum 27): *Provided*, That (1) The state portion of water supply projects may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities \$ 6,430,688

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund—State and Local Improvement Revolving Account—Social and Health Services Facilities: Appropriated pursuant to the provisions of chapter 130, Laws of 1972 ex. sess., (Referendum 29), for social and health services facilities: The Department of Social and Health Services is authorized to obligate for purposes of carrying out the provisions of Chapter 130, Laws of 1972 ex. sess., a total of \$24,750,000: *Provided*, That expenditures against these obligations shall not exceed \$10,000,000: *Provided*, That no funds shall be expended for specific projects without the prior approval of the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees \$ 10,000,000”

Renumber the remaining sections consecutively.

Debate ensued.

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

Senator Atwood moved adoption of the following amendment to the amendment by Senator Durkan:

On page 38, after section 70 insert a new section 71 as follows:

“NEW SECTION. Sec. 71. General Fund agency revision of funds appropriated for expenditure during the 1973-75 biennium, excluding Federal funds, but not to exceed \$35 million, as determined by the Office of Program Planning and Fiscal Management, shall be credited to the State Treasurer for deposit to the Law Enforcement and Fire Fighter Trust Fund.”

Renumber remaining sections consecutively.

Debate ensued.

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

Senator Atwood moved adoption of the following amendment to the amendment by Senator Durkan:

On page 38 after new section 70 insert a new section 71 as follows:

“NEW SECTION. Sec. 71. General Fund surplus revenues from all sources, excluding Federal Funds, for the 1973-75 biennium in excess of \$2,200,276,000, but not to exceed \$20 million, as determined by the Department of Revenue, State Treasurer and the Office of Program Planning and Fiscal Management shall be credited to the State Treasurer for

deposit to a special fund for special levy relief to be distributed pursuant to a formula approved by the 1975 session of the legislature.”

Renumber remaining sections consecutively.

MOTION

On motion of Senator Bailey, all Senate Democrats were added as sponsors to the amendment by Senator Atwood to the amendment by Senator Durkan.

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

On motion of Senator Atwood, the following amendment to the amendment by Senator Durkan was adopted:

On page 17, beginning on line 6, strike all of new section 38 and insert:

“*NEW SECTION.* Sec. 38. Allocations of the \$19,114,368 appropriated to the Superintendent of Public Instruction in section 86, of chapter 137, Laws of 1973, 1st ex. sess., for allocation to local school districts through the school apportionment formula for the purposes of continuing, during the 1973-75 biennium a state-wide average \$40 per month salary increase provided for classified employees February 1, 1973 and such additional per full-time classified employee increases (prorated for part-time) as are funded by such allocation, as heretofore done by the state Superintendent are hereby ratified and approved.”

Senator Woodall moved adoption of the following amendment to the amendment by Senator Durkan:

On page 1, section 4, line 23, strike “116, 626”

Debate ensued.

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

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

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

On page 1, strike all of the title and insert the following:

“AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations; amending section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 112, chapter 137, Laws of 1973 1st ex. sess. (uncodified); repealing section 6, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 62, chapter 137, Laws of 1973 1st ex. sess.; and declaring an emergency.”

On motion of Senator Durkan, Substitute House Bill No. 1310, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1310, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—29.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. “Bob”), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Talley, Twigg, Wanamaker, Whetzel, Woodall—19.

Absent or not voting: Senator Francis—1.

SUBSTITUTE HOUSE BILL NO. 1310, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Donohue, Substitute House Bill No. 1310, as amended by the Senate, was ordered immediately transmitted to the House.

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

MESSAGES FROM THE HOUSE

February 12, 1974.

Mr. President: The House has granted the request of the Senate for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 383 and the Senate amendments thereto and the Speaker has appointed as members of the Conference Committee thereon; Representatives Adams, Haussler, Kuehnle.

DEAN R. FOSTER, Chief Clerk.

February 7, 1974.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3145, with the following amendments:

On page 1, section 1, beginning on line 16 after "transections" strike ", including, but not being limited to" and insert "for"

On page 1, line 26, following "convenience" insert "and advantage"

On page 1, section 2, beginning on line 26, after "facility." strike the remainder of the section and insert the following: "A satellite facility shall not be located more than twenty-five miles from the main office nor more than ten miles from the branch office of which it is a satellite. A financial institution shall not establish or operate more than one satellite facility of its main office nor more than one satellite facility of each of its branch offices, and shall not establish or operate more than five satellite facilities at any one time: PROVIDED, That the supervisor when promulgating his rules and regulations pertaining to satellite facilities shall be guided by the laws and regulations pertaining to other financial institutions regulated by the state or the federal government or their agencies.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTIONS

Senator Dore moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 3145 and ask the House to recede therefrom.

Senator Atwood moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3145.

POINT OF INQUIRY

Senator Woodall: "Will Senator Atwood yield? I happen to be a director of a small state bank. Now as between this amendment, which one benefits a small bank, your way or Dore's way?"

Senator Atwood: "According to the way I read it, I would think that the amendment that was put on in the House would benefit the small banks. Senator Dore could answer that question better than I could."

Senator Dore: "Mr. President and members of the Senate, you will notice in the literature put out by the four banks, they say the ones it will hurt the most are the state savings and loan and the small banks. The example I gave you, without this amendment all the small banks would be able to use their particular credit card at such places as Expo '74 or the airport or things like that, great centralization of population. Under this restriction, if they were located more than twenty-five miles away from the event, for instance, no small bank in Seattle could have its card work in a satellite at Expo '74. This is very restrictive of small banks. And yet the man who presented this on the floor of the House said he was putting it on for the benefit of the small banks. That is absolutely false."

Debate ensued.

POINT OF INQUIRY

Senator Woodall: "Will Senator Dore yield? Senator Dore, I am still confused on this issue. Senator Atwood did not quite answer me. Now you are moving to concur or not concur?"

Senator Dore: "To take the amendment off. That we move to not concur and ask the House to recede."

Senator Woodall: "All right. Now, if I am interested in a small bank, which side would I be on, yours or the other way?"

Senator Dore: "Well, in the meantime change it to the affirmative so if you are for the small banks you will vote no."

Senator Woodall: "Thank you."

Senator Scott demanded a roll call and the demand was sustained by Senators Atwood, Metcalf, Newschwander, Guess, Day, Mardesich, Connor, Murray and Twigg.

The President declared the question before the Senate to be the positive motion by Senator Atwood that the Senate do concur in the House amendments to Substitute Senate Bill No. 3145.

ROLL CALL

The Secretary called the roll and the motion by Senator Atwood failed by the following vote: Yeas, 16; nays, 31; absent or not voting, 2.

Voting yea: Senators Atwood, Canfield, Durkan, Guess, Jones, Lewis (Harry), Matson, Metcalf, Murray, Newschwander, Scott, Sellar, Talley, Twigg, Wanamaker, Whetzel—16.

Voting nay: Senators Bailey, Beck, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woodall, Woody—31.

Absent or not voting: Senators Bottiger, Lewis (R. H. "Bob")—2.

The motion by Senator Dore prevailed and the Senate refused to concur in the House amendments to Substitute Senate Bill No. 3145 and asks the House to recede therefrom.

MOTION

On motion of Senator Dore, the Secretary of the Senate was requested to immediately transmit the Senate Message to the House advising them of the Senate's action on Substitute Senate Bill No. 3145.

MESSAGE FROM THE HOUSE

February 12, 1974.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 3003, and asks the Senate for a conference thereon, and the Speaker has appointed as members of said conference committee: Representatives Brown, Gallagher, King.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Engrossed Senate Bill No. 3003 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 3003 and the House amendments thereto: Senators Grant, Newschwander and Washington.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

February 12, 1974.

Mr. President: The House has receded from its amendments to ENGROSSED SENATE BILL NO. 2488, and has passed the bill without the amendments., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, except the following amendments:

On page 1, line 15, of the title, strike "and" and on line 16 after "penalties" and before the period insert "; declaring an emergency and prescribing an effective date"

On page 3, section 1, line 14, after "town" and before the period insert ": PROVIDED, That participants in amusement games as defined and regulated shall not be designated as gamblers, nor such amusement game be defined as gambling"

On page 10, line 28, after "game" and before the period insert ", or to the winner or winners of said prize or prizes"

On page 13, lines 23 through 25, after "[that]" strike all the material down through and including "PROVIDED FURTHER, That" and insert "[the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That]"

On page 14, beginning on line 7, after "PROVIDE," strike all the material down through and including "FURTHER," on line 10 and insert "[That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER,]"

On page 21, line 21, after "or" and before "as" insert "out" and on line 22, after "receipts" and "less the amount paid for or out as prizes"

On page 22, line 2, after "therewith." strike "The" and insert "Each commissioner, the"

On page 23, section 12, line 12, insert a new section to read as follows:

"NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on May 20, 1974: PROVIDED, That this act shall be subject to referendum petition pursuant to Article II, Section 1 of the constitution of the State of Washington."

Renumber the remaining sections consecutively., and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate receded from its amendments to Engrossed Substitute House Bill No. 473 except those to page 21, line 21, and to page 23, section 12, line 12 and insists on its position and again asks the House to concur in these two amendments.

MESSAGE FROM THE HOUSE

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 748, except the following amendments:

"PART I. GENERAL PROVISIONS

NEW SECTION. Section 1. On and after March 1, 1975:

(1) The provisions of this 1974 amendatory act shall apply to any wills of decedents dying thereafter;

(2) The provisions of this 1974 amendatory act shall apply to any proceedings in court then pending or thereafter commenced regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this 1974 amendatory act;

(3) Every personal representative including a person administering an estate of a minor or incompetent holding an appointment on March 1, 1975, continues to hold the appointment, has the powers conferred by this 1974 amendatory act and is subject to the duties imposed with respect to any act occurring or done thereafter;

(4) An act done before March 1, 1975 in any proceeding and any accrued right is not impaired by this 1974 amendatory act. If a right is acquired, extinguished, or barred upon the expiration of a prescribed period of time which has commenced to run by the provisions of any statute before March 1, 1975, the provisions shall remain in force with respect to that right;

(5) Any rule of construction or presumption provided in this 1974 amendatory act applies to instruments executed before March 1, 1975 unless there is a clear indication of a contrary intent.

Sec. 13. Section 11.68.010, chapter 145, Laws of 1965 as amended by section 1, chapter 19, Laws of 1969 and RCW 11.68.010 are each amended to read as follows:

[In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament and that such estate shall be settled without the intervention of any court or courts, and where it duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent, which fact may be established by an order of the court on the filing of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit the will to probate and to file a true inventory of all the property of such estate and give notice to creditors and to the body having charge of the collection of inheritance tax, in the manner required by law.

After the probate of any such will and the filing of the inventory all such estates may be managed and settled without the intervention of the court, if the last will and testament so provides. However, when the estate is ready to be closed the court, upon application, shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid, finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons entitled thereto. Such decree shall be made after notice given as provided for like decrees in the estates of persons dying intestate. If no application for a final decree is filed, the executor shall, when the administration of the estate has been completed, file a written declaration to that effect, and thereupon his powers shall cease.

The executor of a nonintervention will shall not be deemed to waive his nonintervention powers by obtaining any order appointing appraisers, fixing or allowing appraiser's fees, dispensing with appraisal, or approving or allowing creditors' claims, not by obtaining any other order or decree.] *Subject to the provisions of this chapter, if the estate of a decedent, who died either testate or intestate, is solvent, and if the personal representative is other than a creditor of the estate, such estate shall be managed and settled without the intervention of the court; the fact of solvency shall be established by the entry of an order of solvency. An order of solvency may be entered at the time of the appointment of the personal representative or at any time thereafter where it appears to the court by the petition of the personal representative, or the inventory filed, and/or other proof submitted, that the estate of the decedent is solvent, and that notice of the application for an order of solvency has been given to those persons entitled thereto when required by RCW 11.68.040 as now or hereafter amended.*

NEW SECTION. Sec. 17. There is added to chapter 11.68 RCW a new section to read as follows:

If at the time set for the hearing upon the petition for the entry of an order of solvency, any party entitled to notice under the provisions of RCW 11.68.040 as now or hereafter amended, shall appear and object to the granting of nonintervention powers to the personal representative of the estate, the court shall consider said objection, if any, and the entry of an order of solvency shall be discretionary with the court upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended. The court may restrict the powers of the personal representative in such manner as the court determines and shall thereupon restrict the powers as ordered. If no heir, legatee, or devisee of the decedent shall appear at the time of the hearing to object to the entry of an order of solvency, the court shall enter an order of solvency upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 11.68 RCW a new section to read as follows:

If, after the entry of an order of solvency, any personal representative of the estate of the decedent shall die, resign, or otherwise become disabled from any cause acting as the nonintervention personal representative, the successor personal representative, other than a creditor, shall administer the estate of the decedent without the intervention of court after notice and hearing as required by sections 16 and 17 of this 1974 amendatory act, unless at the time of said hearing objections to the granting of nonintervention powers to such successor personal representative shall be made by an heir, legatee, devisee, or creditor of the decedent, and unless the court, after hearing said objections shall refuse to grant nonintervention powers to such successor personal representative. If no heir, legatee, devisee, or creditor of the decedent shall appear at the time of the hearing to object to the granting of nonintervention powers to such successor personal representative, the court shall enter an order granting nonintervention powers to the successor personal representative.

NEW SECTION. Sec. 20. There is added to chapter 11.68 RCW a new section to read as follows:

After such notice as the court may require, the order of solvency shall be vacated upon the petition of any personal representative, heir, legatee, devisee, or creditor, if supported by proof satisfactory to the court that said estate has become insolvent.

If, after hearing, the court shall vacate the prior order of solvency, the court shall endorse, the term "Vacated" or "Powers restricted" upon the original order of solvency together with the date of said endorsement.

NEW SECTION. Sec. 56. This 1974 amendatory act shall take effect March 1, 1975," and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate refused to recede from its amendments to Substitute House Bill No. 748 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 748 and the Senate amendments thereto: Senators Francis, Clarke and Marsh.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2938,
 SENATE BILL NO. 3021,
 SENATE BILL NO. 3064.

MESSAGE FROM THE HOUSE

February 11, 1974.

Mr. President: The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1077, except the following amendments:

On page 2, section 3, line 11, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services."

On page 2, section 4, line 19, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services."

On page 3, section 6, line 2, after "(2)" strike the period and insert ", or accredited by the Department of Social and Health Services.", and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate receded from the remaining amendments with which the House refused to concur to Second Substitute House Bill No. 1077.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1077, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senators Fleming, Francis, Grant—3.

Absent or not voting: Senator Lewis (R. H. "Bob")—1.

SECOND SUBSTITUTE HOUSE BILL NO. 1077, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 12 1974.

Mr. President: The House has receded from its amendment to page 3, section 3, line 13 to SECOND REENGROSSED SENATE BILL NO. 2004, and has passed the bill without the amendment.

DEAN R. FOSTER, Chief Clerk.

ROLL CALL

The Secretary called the roll on the final passage of Second Reengrossed Senate Bill No. 2004, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Woodall, Woody—34.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Lewis (R. H. "Bob"), Metcalf, Newschwander, Peterson (Ted), Sellar, Washington, Whetzel—11.

Absent or not voting: Senators Matson, Murray, Twigg, Wanamaker—4.

SECOND REENGROSSED SENATE BILL NO. 2004, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 12, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, except the following amendment:

On page 2, line 28, section 5, after "be" strike "presented to" and insert "approved by", and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion to Senator Day, the Senate receded in the remaining Senate amendment to page 2, line 28, section 5 with which the House refused to concur to Engrossed House Concurrent Resolution No. 62.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 62, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody-45.

Absent or not voting: Senators Atwood, Lewis (Harry), Matson, Woodall-4.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 62, as amended by the Senate, having received the constitutional two-thirds majority was declared passed.

MOTION

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

SENATE RESOLUTION 1974-209

By Senators Durkan, Washington and Whetzel:

WHEREAS, Puget Sound and the ecosystem it supports are unique resources which must be protected; and

WHEREAS, The increasing needs of our state and the Pacific Northwest Region for petroleum products will require an increase in the size and number of tankers needed to supply oil; and

WHEREAS, As shown by oil tanker wrecks in other parts of the world, the grounding or collision of just one super tanker in the waters of Puget Sound would have a devastating and irreversible effect on our inland waters; and

WHEREAS, Since it is inconceivable to allow super tankers in Puget Sound, there is an urgent need to consider alternative means, methods, and sites for the unloading of oil from super tankers; and

WHEREAS, The Single Buoy Mooring System appears to offer an economical, efficient, and ecologically proven solution to the problem of accommodating gigantic super oil tankers;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Chairman of the Senate Committees on Ways and Means, Ecology, and Transportation and Utilities shall, acting jointly, appoint two members of the majority caucus and one member of the minority caucus to study the feasibility of the Single Buoy Mooring System; and

BE IT FURTHER RESOLVED, That the members so appointed shall report their findings and recommendations to the next ensuing regular or extraordinary session of the Legislature.

MOTIONS

On motion of Senator Walgren, the Senate commenced consideration of Senate Resolution 1974-208.

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

SENATE RESOLUTION 1974-208

By Senators Walgren and Whetzel:

WHEREAS, The state of Washington is confronted with emergency shortages of energy sources utilized for the transportation of its citizens and must seek alternative methods of providing public mobility; and

WHEREAS, Bicycles are suitable for many transportation purposes, and are pollution-free in addition to using a minimal amount of resources and energy; and

WHEREAS, Due to the public's increased interest in personal health and welfare and continuing concern with ecological integrity, large numbers have adopted bicycles as a method of transportation, causing bicycles now to outnumber cars in the state of Washington; and

WHEREAS, The number of bicycles in the state is expected to increase; and

WHEREAS, The serious interest in the bicycle as an alternate method of transportation has caused a multitude of bicycle-related measures to appear on the agenda of this legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Transportation and Utilities Committee undertake a study to establish the present and future importance of the bicycle in the state of Washington;

BE IT FURTHER RESOLVED, That to insure full citizen participation and input, the Transportation and Utilities Committee shall be assisted in this proposed study by a citizen's advisory board, appointed by the committee, composed of persons interested in and concerned with bicycle use and transportation safety;

BE IT FURTHER RESOLVED, That the results of the study be presented to the next regular session of the legislature for its consideration.

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

REPORT OF STANDING COMMITTEE

February 11, 1974.

SUBSTITUTE HOUSE BILL NO. 1366, requiring adjustment of public work contracts affected by federal or state emergency petroleum regulation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bottiger, Guess, Jolly, Keefe, Knoblauch, Matson, Peterson (Lowell), Talley.

Passed to Committee on Rules for second reading.

There being no objection, at 4:15 p.m. the Senate was declared to be at ease. The President called the Senate to order at 4:35 p.m.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1334, by Representatives Randall, Sommers and Pardini (by Department of Revenue request):

Authorizing additional grounds for property tax refunds.

MOTIONS

On motion of Senator Durkan, House Bill No. 1334 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, House Bill No. 1334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1334, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senators Matson, Sellar—2.

HOUSE BILL NO. 1334, having received the constitutional 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 Woodall, the following resolution was adopted:

SENATE RESOLUTION 1974-185

By Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel and Woodall:

WHEREAS, Abraham Lincoln is one of the foremost Americans among those who have contributed so much to our country's greatness; and

WHEREAS, Today marks the 165th anniversary of the birth of Abraham Lincoln; and

WHEREAS, Abraham Lincoln, by reason of his deeply sympathetic and understanding nature, his genuine humility and his completely unselfish idealism, has been universally loved and respected by the people of this country and the peoples of the countries throughout the world; and

WHEREAS, Abraham Lincoln's indomitable courage and great achievement in rising from the most humble and difficult circumstances to the position of highest leadership in our country in the time of its greatest crisis, will long continue to be a source of inspiration to all our people and especially to your younger people;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, in legislative session assembled, that we do hereby solemnly observe this anniversary of the birth of Abraham Lincoln with the deepest sense of appreciation, humility and dedication.

Appropriate remarks were made by Senators Woodall, Canfield, Washington, Greive, Grant, Dore, Lowell Peterson, Ted Peterson and the President regarding Abraham Lincoln.

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

MESSAGES FROM THE HOUSE

February 12, 1974.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2938,

SENATE BILL NO. 3021,

SENATE BILL NO. 3064, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 12, 1974.

Mr. President: The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 748, and the Senate amendments thereto, and the

Speaker has appointed as members of the Conference Committee thereon: Representatives Knowles, Smith and Hayner, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 12, 1974.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3118, and asks the Senate for a conference thereon, and the Speaker has appointed as members of said conference committee: Representatives Eng, Rabel, Smith.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Bailey, the request of the House for a conference on Engrossed Substitute Senate Bill No. 3118 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3118 and the House amendments thereto: Senators Bottiger, Dore and Guess.

MOTION

On motion of Senator Rasmussen, the Conference Committee appointments were confirmed.

MOTION

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

SENATE RESOLUTION 1974-227

By Senators Dore, Francis, Whetzel, Peterson (Ted), Murray, Scott and Jones:

WHEREAS, The Outlook is a community weekly newspaper serving Wallingford, Ballard, the University District, and other areas of north Seattle since 1922; and

WHEREAS, The Outlook has won more journalism awards than any other Seattle Community weekly and has grown to a circulation of forty-nine thousand; and

WHEREAS, The staff responsible for the Outlook's fine record of community service includes Stan Stapp, editor-publisher, Trudy Weckworth, associate editor, and Muriel Little, political editor; and

WHEREAS, Stan Stapp has announced the merger of Outlook with Today, a new weekly newspaper with a circulation of over two hundred thousand in the greater Seattle area; and

WHEREAS, Stan Stapp has been named editor-in-chief of Today;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulates and commends Stan Stapp and the Outlook staff for their admirable record in community journalism, and wishes them all continuing success; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this Resolution be transmitted by the Secretary of the Senate to Stan Stapp and the Outlook staff.

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

SECOND READING

HOUSE BILL NO. 1006, by Representatives Randall, Chatalas and Bagnariol:

Exempting certain personal contracts and athletic or sports franchises from property taxation.

The bill was read the second time by sections.

On motion of Senator Durkan, House Bill No. 1006 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Durkan yield to a question? Senator Durkan, how would you get a handle on recapturing a little bit of the profits for the people?"

Senator Durkan: "It is sports franchises that specifically is included in the bill. But historically, no assessor has ever done it. Harley Hoppe in King County indicated two years ago that he was going to start assessing the contracts of the ball players. It is questionable whether he could do it legally or not, but he then indicated to the legislature that he would like to have the bill passed and the bill has been forth three or four times, subject to some fine editorials, and that is the purpose of the legislation. There is no loss in revenue. They have never collected any."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1006, and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent or not voting, 6.

Voting yea: Senators Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall-37.

Voting nay: Senators Bottiger, Metcalf, Newschwander, Rasmussen, Sandison, Woody-6.

Absent or not voting: Senators Atwood, Francis, Grant, Lewis (Harry), Mardesich, Washington-6.

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

ENGROSSED HOUSE BILL NO. 1245, by Representatives Kuehnle, Morrison, Conner, King, Barnes, Honan and Hayner (by Washington Public Employees and Law Enforcement and Fire Fighters Retirement Board request):

Enacting 1974 LEFF retirement system amendments.

The bill was read the second time by sections.

On motion of Senator Fleming, Engrossed House Bill No. 1245 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1245, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall, Woody-46.

Absent or not voting: Senators Francis, Matson, Washington-3.

ENGROSSED HOUSE BILL NO. 1245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:20 p.m., on motion of Senator Atwood, the Senate recessed until 5:55 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 5:55 p.m.

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 153, by Senators Mardesich and Bailey: Adjourning the third extraordinary session of the forty-third legislature until April 15, 1974.

On motion of Senator Bailey, Senate Concurrent Resolution No. 153 was advanced to second reading and read the second time in full.

On motion of Senator Bailey, Senate Concurrent Resolution No. 153 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 Atwood: "Will Senator Bailey yield? Senator Bailey, down on the bottom on the last resolve it says that Engrossed Senate Concurrent Resolution No. 143 is rescinded. What resolution is that? Is that the one we are operating on, cutoffs and everything?"

Senator Bailey: "Senator Atwood, that is the cut-off resolution."

Senator Atwood: "Everything is going to be wide open again when we come back?"

Senator Bailey: "Senator Atwood, we do not intend to open it up. You cannot run a ten-day or a nine-day session without some control and we expect to have control over the priorities and the measures. We do not expect to open it wide, no, but we do know that there will be some other needs that come up that if you do not have this, you cannot even introduce a bill to take care of them. The purpose here is to make it a little more elastic so we can do that. It is the same rule we had in the nine-day session in September, and we did not seem to go wild on that one."

Senator Atwood: "Mr. President, I really object to the repeal of that. It throws it wide open. You can amend it by a majority vote. It does not take a two-thirds. And I would hope that you would hold those cutoffs and only do it for the necessary bills rather than rescind the whole thing. That is what really disturbs me. After having briefed the effect of Engrossed Senate Concurrent Resolution No. 143, it did not take a two-thirds. It only took a majority and I hate to see that repealed."

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, my recollection of Engrossed Senate Concurrent Resolution No. 143, it took a two-thirds vote? Would the Chair clarify Concurrent Resolution No. 143?"

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, further, in that clarification would you please advise as to whether repeal would take a two-thirds vote?"

REPLY BY THE PRESIDENT

The President: "The President believes that a simple majority is required to amend the resolution."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I would submit that we would prefer to leave this in here. We can do it on the opening day of the next round, but if we can do it by a majority today, we can do it by majority then and I assure you that we have no intention of opening this wide open because we certainly could not accomplish anything in a short session if we opened too wide. We have to have a pretty tight schedule, a pretty tight hand on the priority bills before us and things of that sort or the short session will never work. It is not our intention to open wide except somehow or other we have to have a method of introducing new resolutions and things of that type."

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 153, and the resolution passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgrein, Washington, Woody—30.

Voting nay: Senators Atwood, Canfield, Clarke, Greive, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—19.

SENATE CONCURRENT RESOLUTION NO. 153, having received the constitutional majority, was declared passed.

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

MESSAGE FROM THE HOUSE

February 12, 1974.

Mr. President: The House has passed SECOND REENGROSSED SENATE BILL NO. 2366, with the following amendments:

On page 2, section 3, line 5 following "part:" strike "B128-137, 201-207" and insert "B201, B207".

On page 2, section 3, following line 26 and before line 27 insert the following:

"In Spokane County:

T 112 (Part: ED 30,80)"

On page 4, section 5, line 5 following "part," strike "B101-127, 208-230;" and insert "BG1, B202-206, B208-230,"

On page 4, section 5, strike all of line 15.

On page 5, section 7, following line 25 and before line 26 insert the following:

"CCD 8 (part: ED 20 except sections 20, 21 and 28 R18E, T14N)".

On page 6, section 8, line 1 following "20" strike "-22)" and insert "(part: sections 20, 21, 28, R18E, T14N; ED 21-22)", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Keefe, the Senate concurred in the House amendments to Second Reengrossed Senate Bill No. 2366.

ROLL CALL

The Secretary called the roll on the final passage of Second Reengrossed Senate Bill No. 2366, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis

(R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Voting nay: Senators Grant, Newschwander—2.

Absent or not voting: Senators Connor, Francis, Lewis (Harry)—3.

SECOND REENGROSSED SENATE BILL NO. 2366, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 12, 1974.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2701, with the following amendments:

On page 1, line 2, strike "making an appropriation".

On page 2, section 5, line 12, after "Section 5" strike everything down to and including "PROVIDED, That" on line 16., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Matson, the Senate concurred in the House amendments to Substitute Senate Bill No. 2701.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2701, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—48.

Absent or not voting: Senator Woodall—1.

SUBSTITUTE SENATE BILL NO. 2701, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 12, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 149, with the following amendments:

On page 3, lines 9 and 10 after "during" on line 9 strike "late August and early September" and insert "early September after Labor Day,"

On page 3, line 26 after "(6)" strike "Delegates" and insert "Washington State delegates", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Washington, the Senate concurred in the House amendments to Engrossed Substitute Senate Concurrent Resolution No. 149.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 149, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—49.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 149, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 138.

SECOND READING

ENGROSSED HOUSE BILL NO: 138, by Representatives Kilbury and Kopet:

Changing the rate of interest on delinquent property taxes from a variable rate to a uniform rate.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Odegaard:

On page 1, section 1, line 19, after ")")" strike "ten" and insert "eight".

POINT OF INQUIRY

Senator Canfield: "My county treasurer called me and was plugging for the ten percent. I am just asking you if your county treasurers have contacted you and Senator Odegaard asking for eight. Is that an agreed upon figure by the county treasurers, or are you just fighting for the common people again?"

Senator Rasmussen: "Treasurers are known to be after the dollar, Senator Canfield, and this is purely in the interest of that poor son of a gun who cannot pay his taxes. He does not have to pay ten percent interest, he can pay only eight percent. He is the party that I have my primary concern with. He already is in difficulty when he cannot pay his taxes, and I just hate to see him get stuck with ten percent. I think eight percent is a more reasonable figure and after all, we should not be bloodthirsty down here. If you get a reasonable amount, that should be all right."

Further debate ensued.

The motion by Senator Rasmussen carried and the amendment by Senators Rasmussen and Odegaard was adopted.

On motion of Senator Odegaard, Engrossed House Bill No. 138, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 138, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar,

Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Francis, Metcalf, Newschwander, Twigg—4.

ENGROSSED HOUSE BILL NO. 138, as amended by the Senate, having received the constitutional majority, 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. 1423, by Representatives Perry, Kraabel and Beck: Amending the laws relating to tax on ATV fuel.

REPORT OF STANDING COMMITTEE

February 5, 1974.

ENGROSSED HOUSE BILL NO. 1423, amending the laws relating to tax on ATV fuel (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 20, section 3, after "for the" and before ", less" strike "applicable period" and insert "balance of the 1973-75 biennium".

Signed by: Senators Walgren, Chairman; Guess, Jolly, Lewis (R. H. "Bob"), Peterson (Lowell), Sellar, Wanamaker, Washington, Whetzel.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, Engrossed House Bill No. 1423, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1423, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odgaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Francis, Metcalf, Newschwander, Twigg—4.

ENGROSSED HOUSE BILL NO. 1423, as amended by the Senate, having received the constitutional majority, 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. 1328, by Representatives Douthwaite, Ceccarelli, Chatalas, Barnes, Charnley, Valle, Lysen, Perry, Cunningham, Leckenby and Van Dyk:

Providing means for port districts to undertake abatement of airport noise.

The bill was read the second time by sections.

On motion of Senator Fleming, Engrossed House Bill No. 1328 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator von Reichbauer: "Would Senator Fleming yield to a question? Senator Fleming, you said that the port could acquire property that people wanted to sell?"

Senator Fleming: "Under the program that they are talking about, they have three areas that they can look at, property that the port would acquire from those people who wanted to get out. They could also resoundproof some of the houses for those people who would like to stay in. They could also underwrite insurance that was too costly for people who would like to stay there. Now my understanding of the measure is that they have been involved in purchasing some land, but they have been having some federal dollars come in. They are not able, under statute now, to use port funds for this and so this is where the general obligation bonds would come in."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Fleming yield to a question? Senator Fleming, I have not had time to really study this bill, but the Port of Tacoma is planning on opening a cargo port, using McChord Air Base. Would these rights as related in this bill then extend to the Port of Tacoma, or is it only related to the Seattle Port District?"

Senator Fleming: "No, it says 'A port district operating an airport serving more than twenty scheduled jet aircraft,' I guess it would be just Seattle at this time because it says, 'A port serving more than twenty scheduled jet aircraft flights per day.' So that would exclude what you are talking about out of this — from the definition — because there would not be, from my understanding, twenty scheduled jet aircraft flights per day out of there."

Senator Rasmussen: "Okay, that covers that part. Now the next one. Could you explain how the port is going to go into the mortgage bankers' business by issuing mortgages on these homes?"

Senator Fleming: "No, you misunderstood me when I said mortgage. What I said was that they could go into the business of underwriting mortgage insurance. Those people who would like to live in those areas, because of the noise in the area their insurance premiums and so forth might be a little higher and so what they would be able to do, if those people wanted to remain there and if they wanted to resoundproof these people's houses and so forth, they could undertake to write the insurance on these houses if it were too expensive for them to remain there, rather than buy the property."

Senator Rasmussen: "Thank you, Senator Fleming."

POINT OF INQUIRY

Senator Woody: "Will Senator Fleming yield? Would this bill in any fashion give the port or any port the authority to affect flight patterns or altitudes of flights or times of flights or numbers of flights?"

Senator Fleming: "From my understanding, I could be wrong, I do not think it does. It just puts about establishing a program as to the effects of noise and so forth, but not the scheduling or how high or how low the planes would fly. That is my understanding."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1328, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall—45.

Voting nay: Senator von Reichbauer, Woody—2.

Absent or not voting: Senators Newschwander, Twigg—2.

ENGROSSED HOUSE BILL NO. 1328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF CONFERENCE COMMITTEE

February 12, 1974.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 748, making certain changes in the laws relating to probate, have had the same under consideration, and we cannot agree and request the powers of free conference, in order to make the following changes:

To adopt the amendments not concurred in by the House with the following changes:

On page 1, section 1, line 6, after "after" strike "March 1, 1975" and insert "October 1, 1974".

On page 1, section 1, line 18, after "on" strike "March 1, 1975" and insert "October 1, 1974".

On page 1, section 1, line 22, after "before" strike "March 1, 1975" and insert "October 1, 1974".

On page 1, section 1, line 26, after "before" strike "March 1, 1975" and insert "October 1, 1974".

On page 2, section 1, line 2, after "before" and before "unless" on page 2, line 3, strike "March 1, 1975" and insert "October 1, 1974".

On page 11, section 13, line 13, after "estate" insert "*not designated as executor in the decedent's will*".

On page 14, section 17, line 21, after "amended." strike "The" and insert "Unless unrestricted nonintervention powers are directed by the will of the decedent, the".

On page 15, section 18, line 2, after "creditor" insert "*not designated as executor in the decedent's will*".

On page 16, section 20, line 7, after "vacated" insert "or restricted".

On page 41, section 56, line 6, after "effect" strike "March 1, 1975" and insert "October 1, 1974".

"PART I. GENERAL PROVISIONS

NEW SECTION. Sec. 1. On and after March 1, 1975:

(1) The provisions of this 1974 amendatory act shall apply to any wills of decedents dying thereafter;

(2) The provisions of this 1974 amendatory act shall apply to any proceedings in court then pending or thereafter commenced regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this 1974 amendatory act;

(3) Every personal representative including a person administering an estate of a minor or incompetent holding an appointment on March 1, 1975, continues to hold the appointment, has the powers conferred by this 1974 amendatory act and is subject to the duties imposed with respect to any act occurring or done thereafter;

(4) An act done before March 1, 1975 in any proceeding and any accrued right is not impaired by this 1974 amendatory act. If a right is acquired, extinguished, or barred upon the expiration of a prescribed period of time which has commenced to run by the provisions of any statute before March 1, 1975, the provisions shall remain in force with respect to that right;

(5) Any rule of construction or presumption provided in this 1974 amendatory act applies to instruments executed before March 1, 1975 unless there is a clear indication of a contrary intent.

Sec. 13. Section 11.68.010, chapter 145, Laws of 1965 as amended by section 1, chapter 19, Laws of 1969 and RCW 11.68.010 are each amended to read as follows:

[In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that such estate shall be settled without the intervention of any court or courts, and where it duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent,

which fact may be established by an order of the court on the filing of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit the will to probate and to file a true inventory of all the property of such estate and give notice to creditors and to the body having charge of the collection of inheritance tax, in the manner required by law.

After the probate of any such will and the filing of the inventory all such estates may be managed and settled without the intervention of the court, if the last will and testament so provides. However, when the estate is ready to be closed the court, upon application, shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid, finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons entitled thereto. Such decree shall be made after notice given as provided for like decrees in the estates of persons dying intestate. If no application for a final decree is filed, the executor shall, when the administration of the estate has been completed, file a written declaration to that effect, and thereupon his powers shall cease.

The executor of a nonintervention will shall not be deemed to waive his nonintervention powers by obtaining any order appointing appraisers, fixing or allowing appraiser's fees, dispensing with appraisal, or approving or allowing creditors' claims, not by obtaining any other order or decree.] *Subject to the provisions of this chapter, if the estate of a decedent, who died either testate or intestate, is solvent, and if the personal representative is other than a creditor of the estate, such estate shall be managed and settled without the intervention of the court; the fact of solvency shall be established by the entry of an order of solvency. An order of solvency may be entered at the time of the appointment of the personal representative or at any time thereafter where it appears to the court by the petition of the personal representative, or the inventory filed, and/or other proof submitted, that the estate of the decedent is solvent, and that notice of the application for an order of solvency has been given to those persons entitled thereto when required by RCW 11.68.040 as now or hereafter amended.*

NEW SECTION. Sec. 17. There is added to chapter 11.68 RCW a new section to read as follows:

If at the time set for the hearing upon the petition for the entry of an order of solvency, any party entitled to notice under the provisions of RCW 11.68.040 as now or hereafter amended, shall appear and object to the granting of nonintervention powers to the personal representative of the estate, the court shall consider said objections, if any, and the entry of an order of solvency shall be discretionary with the court upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended. The court may restrict the powers of the personal representative in such manner as the court determines and shall thereupon restrict the powers as ordered. If no heir, legatee, or devisee of the decedent shall appear at the time of the hearing to object to the entry of an order of solvency, the court shall enter an order of solvency upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 11.68 RCW a new section to read as follows:

If, after the entry of an order of solvency, any personal representative of the estate of the decedent shall die, resign, or otherwise become disabled from any cause from acting as the nonintervention personal representative, the successor personal representative, other than a creditor, shall administer the estate of the decedent without the intervention of court after notice and hearing as required by sections 16 and 17 of this 1974 amendatory act, unless at the time of said hearing objections to the granting of nonintervention powers to such successor personal representative shall be made by an heir, legatee, devisee, or creditor of the decedent, and unless the court, after hearing said objections shall refuse to grant nonintervention powers to such successor personal representative. If no heir, legatee, devisee, or creditor of the decedent shall appear at the time of the hearing to object to the granting of nonintervention powers to such successor personal representative, the court shall enter an order granting nonintervention powers to the successor personal representative.

NEW SECTION. Sec. 20. There is added to chapter 11.68 RCW a new section to read as follows:

After such notice as the court may require, the order of solvency shall be vacated upon the petition of any personal representative, heir, legatee, devisee, or creditor, if supported by proof satisfactory to the court that said estate has become insolvent.

If, after hearing, the court shall vacate the prior order of solvency, the court shall endorse the term "vacated" or "Powers restricted" upon the original order of solvency together with the date of said endorsement.

NEW SECTION. Sec. 56. This 1974 amendatory act shall take effect March 1, 1975."

Signed by: Senators Marsh, Francis and Clarke; Representatives Smith, Knowles and Hayner.

MOTION

Senator Francis moved that the report of the Conference Committee be adopted and the committee be granted the powers of Free Conference.

POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Francis? Are these all of the suggested changes that Free Conference is talking about?"

Senator Francis: "Senator Bailey, this will be the Free Conference report. As you can see, it does not confine itself to differences between the houses in the respect which I just indicated. Other than that, the Free Conference report is in front of you, but without being granted the powers of Free Conference, we cannot do it. We have to get new signatures because there were some technical things which had to be done."

The motion by Senator Francis carried and the committee was granted the powers of Free Conference.

MOTION

At 6:45 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Wednesday, February 13, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, February 13, 1974.

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 Dore, Durkan, Murray, Talley and Woodall. On motion of Senator Scott, Senator Murray was excused. On motion of Senator Newschwander, Senator Woodall was excused. On motion of Senator Van Hollebeke, Senator Dore was excused. There being no objection, Senators Durkan and Talley were excused.

The Color Guard, consisting of Pages Mike Mallos and Charlene Walkama, presented the Colors. Dr. Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER, BE PRESENT AND ACTIVE IN ALL THE AREAS OF OUR LIFE TODAY. GRANT US THE GRACE TO SEE THINGS AS THEY ARE, AND RESOLVE, BY THY HELP, TO MAKE THEM WHAT THEY OUGHT TO BE. ACCOMPANY WITH THY BLESSING EVERY ACCOMPLISHMENT, WROUGHT IN ACCORDANCE WITH THY WILL. IF IN ANY AREA WE HAVE DISAPPOINTED THEE, PLEASE FORGIVE. GRANT JOURNEYING MERCIES TO THESE LEADERS IN STATE GOVERNMENT AS THEY RETURN TO THEIR HOMES AND FAMILIES. FOR THIS WE PRAY IN OUR MASTER'S NAME. AMEN."

MOTION

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

MESSAGE FROM THE HOUSE

February 12, 1974.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 3135,

SENATE BILL NO. 3209,

ENGROSSED SENATE BILL NO. 3338, and the same are herewith transmitted,

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2004,

SENATE BILL NO. 2366,

SENATE BILL NO. 2488,

SUBSTITUTE SENATE BILL NO. 2701,

SENATE BILL NO. 3135,

SENATE BILL NO. 3209,

SENATE BILL NO. 3338,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 149.

MESSAGE FROM THE HOUSE

February 13, 1974.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3118, and has passed the bill without the House amendments.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

February 13, 1974.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 3118, assessing penalties on drunk driving cases, have had the same under consideration, and we recommend that Engrossed Substitute Senate Bill No. 3118 do pass without the House amendments to page 1, section 1, line 16; page 1, section 1, line 21; page 2, section 1, line 7.

Signed by: Senators Bottiger, Guess and Dore; Representatives Eng, Rabel and Smith.

MOTION

On motion of Senator Bottiger, the report of the Conference Committee on Engrossed Substitute Senate Bill No. 3118 was adopted.

MESSAGE FROM THE HOUSE

February 13, 1974.

Mr. President: The House has adopted the report of the Conference Committee on SENATE BILL NO. 3003, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted,

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

February 12, 1974.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3003, making general revisions to the election laws, have had the same under consideration, and we report that we are unable to agree and respectfully request the power of Free Conference in order to exempt certain counties from the mandatory provisions of section 12 as follows:

On page 9, line 18, section 12, after "county" and before the period insert "PROVIDED, That an auditor in a county with more than 150,000 registered voters may decline to comply with the provisions of all or none of sections 1, 4, 12, 13, and 14 of this act".

Signed by: Senators Grant, Washington and Newschwander; Representatives King and Gallagher.

MOTION

On motion of Senator Grant, the report of the Conference Committee on Senate Bill No. 3003 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

February 13, 1974.

Mr. President: The House has adopted the report of the Conference Committee on

SUBSTITUTE HOUSE BILL NO. 748, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

February 12, 1974.

Mr. Speaker:

Mr. President:

We of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 748, making certain changes in the laws relating to probate, have had the same under consideration, and we recommend that the bill be passed as amended by the Conference Committee report.

Signed by: Senators Francis, Marsh and Clarke; Representatives Smith, Hayner and Knowles.

MOTION

On motion of Senator Francis, the report of the Free Conference Committee on Substitute House Bill No. 748 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 748, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Atwood, Donohue—2.

Excused: Senators Dore, Durkan, Murray, Talley—4.

SUBSTITUTE HOUSE BILL NO. 748, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

February 13, 1974.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 153, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 13, 1974.

Mr. President: The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1423, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 138, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2004,
 SENATE BILL NO. 2366,
 SENATE BILL NO. 2488,
 SUBSTITUTE SENATE BILL NO. 2701,
 SENATE BILL NO. 3135,
 SENATE BILL NO. 3209,
 SENATE BILL NO. 3338,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 149, and the same are
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

Mr. President: The Speaker has signed HOUSE BILL NO. 1328, and the same is
 herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 12, 1974.

Mr. President: The Speaker has signed:
 SECOND SUBSTITUTE HOUSE BILL NO. 1077,
 SUBSTITUTE HOUSE BILL NO. 1310, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

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

DEAN R. FOSTER, Chief Clerk.

February 12, 1974.

Mr. President: The Speaker has signed:
 HOUSE BILL NO. 1006,
 HOUSE BILL NO. 1245,
 HOUSE BILL NO. 1334, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Scott, Senators Atwood and Lewis (Harry) were excused.
 There being no objection, the Senate returned to the second order of business.

REPORT OF CONFERENCE COMMITTEE

February 12, 1974.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SECOND SUBSTITUTE
 HOUSE BILL NO. 383, providing standards for approval of plats and subdivisions, have had
 the same under consideration, and we recommend that the bill do pass with the following
 amendments, and we report that we are unable to agree and respectfully request the powers
 of Free Conference:

On page 2, section 2, beginning on line 6, strike “)”) none of which are smaller than
one-one hundred twenty-eighth of a section of land, or smaller than five acres” and insert
 “[none] each of which is [are smaller than] *one-one hundred twenty-eighth of a section of
 land or larger, or five acres or larger*”.

On page 2, section 2, strike lines 21 through 28 and insert:

"(4) Divisions made by court order: PROVIDED, That this exemption shall not apply to land divided pursuant to dissolution or partition proceedings of a corporation, partnership, limited partnership, joint venture, or trust, unless the local government wherein the land is located is made a party to the proceedings and has rendered its advice to the court in respect of the division proposed to be included within such order;"

On page 4, section 5, lines 32 and 33, strike "or fees paid in lieu thereof".

On page 4, section 5, line 18, strike "environmental corridors," and on lines 24 and 25 strike "environmental corridors".

On page 6, section 9, beginning with "In" on line 29, strike all matter down to and including "resolution" on page 7, line 4 and insert:

"In addition, when a parcel of land is divided into five or more lots without having a final plat of such subdivision filed for record, an action may be initiated on behalf of any city, town or county to recover the damages, occasioned by failure to comply with all the provisions of this chapter, to the city, town or county, or to any innocent purchaser for value without actual notice that the parcel of land is divided without compliance with all the provisions of this chapter. Any damages recovered and collected for such an innocent purchaser under this section shall be paid to the innocent purchaser by the city, town or county"

On page 7, section 10, lines 15 and 16, strike "[The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.] The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice."

Signed by: Senators Fleming, Murray and Woody; Representatives Adams, Haussler, Kuehne.

MOTION

On motion of Senator Woody, the report of the Conference Committee on Second Substitute House Bill No. 383 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

February 13, 1974.

Mr. President: The House has concurred in the amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, to page 23, section 12, line 12 and refuses to concur in the amendment to page 21, line 21, and said bill, together with the amendment thereto, is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Bailey moved that the Senate recede from its position on the Senate amendment to page 21, line 21 to Engrossed Substitute House Bill No. 473.

POINT OF INQUIRY

Senator Greive: "Would someone yield to a question? I am interested in the bill itself. Is the local option still left in there? Senator Bailey, would you yield?"

Senator Bailey: "Yes, the local option is there."

Senator Greive: "And the elimination of class actions is still there?"

Senator Bailey: "The bill is the same as we sent back to the House except the House refused to recede on a section on page 21, line 21, in which we lowered the punchboard and pull tab tax. They say they want to include a higher tax so they can afford expenses of enforcement. Local option is in the bill."

The motion by Senator Bailey carried and the Senate receded from its position on the Senate amendment to page 21, line 21 of Engrossed Substitute House Bill No. 473.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 473, as amended by the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Mr. President, Senator Greive is right about the local option. I happen to strongly agree with him. However, we had local option for the past year so this bill does not represent a change in that respect, at least not a substantial one. I would like to ask if Senator Greive would yield to a question. Senator Greive, where in this bill – and that is Engrossed Substitute House Bill No. 473 – does it take away the right of civil actions by citizens for enforcement?"

Senator Greive: "I was going on the quick question that I put to Senator Bailey and asked him if it was the same as it left here. Now if you want me to make an analysis of it, I would suggest that we put it down beyond the next bill, and I would be very happy to dig that information out. Conceivably I am wrong."

Senator Francis: "Okay. I would like to put it down at least one bill, Mr. President, because I do not recall anything that takes away that right, and I think that is a fairly significant thing to look into and I would like an opportunity to check that out."

Senator Greive: "Mr. President, may I merely say that I agree with that and I may very well be in error, but let us look and see."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 473, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Marsh, Matson, Odegard, Peterson (Lowell), Ridder, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woodall, Woody—32.

Voting nay: Senators Atwood, Greive, Guess, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Sandison, Scott, Washington, Whetzel—14.

Excused: Senators Dore, Durkan, Murray—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 12, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2416, with the following amendments:

On page 1, in line 2 of the title, after "9.54.030;" and before "and" insert "amending section 46.37.020, chapter 12, Laws of 1961 as amended by section 2, chapter 154, Laws of 1963 and RCW 46.37.020;"

Beginning on page 1, strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 60, Laws of 1917 and RCW 9.54.030 are each amended to read as follows:

(1) Whoever knowingly buys, sells, receives, disposes of, conceals, or has *knowingly* in his possession any motor vehicle [or], *motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof*, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of the

said motor vehicle, [motorbike,] *motorcycle, motor-driven cycle, trailer, [or] vessel, motorboat or component part thereof* shall be guilty of a gross misdemeanor.

(2) *Any motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, there being probable cause to believe that such was done for the purpose of concealing or misrepresenting identity, shall be impounded and held by the seizing law enforcement agency until the original numbers or marks are restored, or it is determined that the motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof, was reported as stolen and it is returned to the rightful owner as provided in this subsection. If reported as stolen the seizing law enforcement agency shall promptly return such motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or parts thereof as have been stolen to the person who was the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the return and possession of such motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof.*

(3) *If the original manufacturer's serial numbers or other distinguishing numbers or identification marks cannot be restored, and if the article was not reported stolen or was reported stolen and the seizing law enforcement agency cannot locate the person who was the lawful owner at the time it was reported stolen or his lawful successor in interest, or if such lawful owner or his lawful successor in interest fails to claim the article within forty-five days after receiving notice from the seizing law enforcement agency that the article is in its possession, the motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof may be destroyed or may be sold at public auction to the highest bidder or may be held by the seizing law enforcement agency for its official use and purposes: PROVIDED, That no such disposition shall be undertaken until at least sixty days have elapsed from the date of seizure: PROVIDED FURTHER, That written notice of the seizure and potential disposition shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who prior to final disposition of the article notifies the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof, and a reasonable opportunity to be heard as to the claim of ownership or right of possession shall have first been afforded to such person or persons. Such hearing shall be before the chief law enforcement officer of the seizing agency or his designee, except that any person claiming ownership or right of possession hereunder may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is one hundred dollars or more. A hearing before the agency and any appeal therefrom shall be pursuant to chapter 34.04 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right to possession. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon determination by the hearing officer or court that he is the present lawful owner or is lawfully entitled to possession thereof.*

(4) *Prior to the release from a law enforcement agency's custody or the future use of any motor vehicle, motorcycle, motor-driven cycle, trailer, motorboat, or component part thereof, from which the serial number or other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, an identification number shall be assigned in accordance with the rules and regulations promulgated by the department of motor vehicles.*

Sec. 2. Section 46.37.020, chapter 12, Laws of 1961 as amended by section 2, chapter 154, Laws of 1963 and RCW 46.37.020 are each amended to read as follows:

Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles,

subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices: *PROVIDED, That every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion upon a highway.*", and the same is herewith transmitted,

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Whetzel moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2416 with the exception of the following proviso in section 2:

"PROVIDED, That every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion upon a highway.", and ask the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Clarke: "Would a motion now be in order simply to concur with the one provision that Senator Whetzel has moved we do not concur?"

REPLY BY THE PRESIDENT

The President: "Yes, you could. . . ."

MOTIONS

On motion of Senator Matson, Senator Twigg was excused.

Senator Clarke moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2416.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Woodall: "We have a motion by Senator Whetzel that we concur in certain amendments and not concur in one. Then Senator Clarke made a motion that we concur in all of them. Now if the vote is negative on Senator Clarke's motion, have we then failed to concur in anything? What is the status of his motion? I would like a definitive ruling."

REPLY BY THE PRESIDENT

The President: "The President believes that you have raised an interesting point, Senator. The President believes that you would have failed to concur in any of the House amendments."

MOTION

There being no objection, the motion by Senator Clarke that the Senate concur in the House amendments to Engrossed Senate Bill No. 2416 was withdrawn.

Senator Clarke moved that the Senate concur in the House amendment to section 2, including the following proviso:

"PROVIDED, That every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion upon a highway."

Debate ensued.

The motion by Senator Clarke carried and the Senate concurred in the House amendment to all of section 2.

The motion by Senator Whetzel carried and the Senate concurred in all other House amendments to Engrossed Senate Bill No. 2416.

POINT OF ORDER

Senator Newschwander: "I raise the matter of scope and object on section 2 of this bill."

POINT OF ORDER

Senator Fleming: "Is section 2 the amendment that had to do with the headlights, the lights on the motorcycle?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

POINT OF ORDER

Senator Fleming: "I raise the point of order we have already adopted the amendment and can we still rule as to the scope and object of the bill. . . ?"

RULING BY THE PRESIDENT

The President: "The Secretary and the President were just discussing your point, Senator Fleming. The President believes that your point of order is untimely, Senator Newschwander. The Senate has already acted and adopted the amendment by the House."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2416, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Grant, Guess, Henry, Herr, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington—36.

Voting nay: Senators Francis, Grève, Jolly, Jones, Newschwander, Whetzel, Woodall, Woody—8.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Dore, Durkan, Murray, Twigg—4.

ENGROSSED SENATE BILL NO. 2416, 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 Mardesich, Engrossed Substitute Senate Bill No. 3020 was referred to the Senate Committee on Ways and Means from today's concurring calendar.

MOTION

On motion of Senator Mardesich, the following Senate Resolutions were referred to the Committee on Rules:

SENATE RESOLUTION 1974-197

By Senators Knoblauch, Canfield, Odegaard, Jones and Wanamaker:

WHEREAS, There exist many historical sites in the state of Washington which should be preserved for future generations; and

WHEREAS, Some of these sites are located on the state park lands; and

WHEREAS, Some sites are in need of restoration and repair and federal funds are available for such programs;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate Parks and Recreation Committee study the historic site preservation programs of the state;

BE IT FURTHER RESOLVED, That the report of such findings and recommendations be transmitted to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-198

By Senators Knoblauch, Canfield, Odegaard, Jones and Wanamaker:

WHEREAS, Park use in Eastern Washington has increased in recent years; and

WHEREAS, Extensive use of Eastern Washington parks by residents of the Puget Sound area has increased; and

WHEREAS, The use of recreational vehicles has increased the mobility of people using these parks in Eastern Washington;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate Parks and Recreation Committee study existing and proposed park developments in the Eastern Washington area;

BE IT FURTHER RESOLVED, That reports of such findings and recommendations be transmitted to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-199

By Senators Knoblauch, Canfield, Odegaard, Jones and Wanamaker:

WHEREAS, There exists a need for salt water boat accesses in the Puget Sound area; and

WHEREAS, There is a need for public recreational use of low bank, salt water fronts; and

WHEREAS, There has not been a complete study of the state's nonrecreational use of low bank, salt water areas;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate Parks and Recreation Committee study the need for such low bank, salt water access areas as well as additional boat access areas in the Puget Sound waters;

BE IT FURTHER RESOLVED, That a report of such findings and recommendations be transmitted to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-200

By Senators Jolly, Woody, Bottiger, Durkan, Lewis (Harry) and Canfield:

WHEREAS, Legislation has been passed regarding the branding of horses; and

WHEREAS, A permanent horse identification system is necessary to prevent the spread of equine communicable diseases, the sale of stolen horses, and the substitution of horses in show, races, and sales; and

WHEREAS, Washington State University has developed a permanent international system of identification known as Alpha Angle Alphabet; and

WHEREAS, Such system is humane because the brand is applied to the horse by a painless freeze method and produces an easily readable, tamper proof, and permanent individual identification; and

WHEREAS, The nationally known Arabian Horse Registry has adopted the use of the Alpha Angle Alphabet system and other breed organizations are considering its adoption; and

WHEREAS, Additional legislation in the area of horse branding is necessary to protect the rights of our citizens;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the department of agriculture is requested to undertake a comprehensive study of the Alpha Angle Alphabet system and other identification systems which have been successfully utilized in this

country and abroad and recommend principles and procedures whereby a system of horse identification can be instituted in this state.

BE IT FURTHER RESOLVED, That the results of the study and the recommendations be presented to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-201

By Senators Dore, Keefe and Woody:

WHEREAS, The minimum financial responsibility requirements of automobile insurance coverage may be insufficient protection for injured parties in the state of Washington; and

WHEREAS, The current minimum requirements of 15/30/5 were enacted in 1967, and hospital, medical, and automobile costs have greatly increased since then; and

WHEREAS, Several other states have higher financial responsibility requirements than the current state of Washington requirements;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE, That the Senate Financial Institutions Committee study the possibility of raising the minimum financial responsibility requirements of automobile insurance coverage;

BE IT FURTHER RESOLVED, That a report of such findings and recommendations be transmitted to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-202

By Senators Dore, Keefe and Woody:

WHEREAS, There is not a current requirement that escrow agents furnish proof of liability malpractice insurance; and

WHEREAS, The escrow agents' client is now protected only for theft of his funds, but not for negligent misuse of these funds; and

WHEREAS, It must be determined whether malpractice insurance is available, the number of companies offering such coverage, the conditions of such coverage, and the cost of such coverage;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE, That the Senate Financial Institutions Committee study the necessity, types and availability of appropriate malpractice insurance for escrow agents;

BE IT FURTHER RESOLVED, That a report of such findings and recommendations be transmitted to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-203

By Senators Dore, Keefe and Woody:

WHEREAS, One of the most extensive effects of the energy crisis has been reduction in motor vehicle traffic volume and speed; and

WHEREAS, The automobile casualty insurance carriers have benefited financially from a more favorable accident experience; and

WHEREAS, The National Safety Council estimates fatalities could be reduced 25 percent in 1974; and

WHEREAS, The Washington State Patrol states there has been a 39 percent reduction of fatalities on state routes since speed limits were lowered; and

WHEREAS, Reduction in the automobile fuel consumption in the state of Washington will further reduce accident frequency; and

WHEREAS, These policyholders have no statutory right to reclaim energy crisis profits in the hands of the insurance carriers; and

WHEREAS, The state Insurance Commissioner is without statutory power to order the refunds of these energy crisis profits;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate Financial Institutions Committee study the possibility of returning these excess energy crisis profits to the policyholders of automobile casualty insurance;

BE IT FURTHER RESOLVED, That a report of such findings and recommendations be transmitted to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-204

By Senators Dore and Woody:

WHEREAS, Give-away campaigns have been used by financial institutions for many years as a means of attracting both depositors and deposits and have for some banks been an effective means of improving earnings; and

WHEREAS, In their effort to attract new deposits, many of these institutions are making excessive use of promotional advertising and merchandising and are abusing the existing regulations; and

WHEREAS, The principal result has been to "turn" deposits within the banking system, and to shift deposits from the smaller institutions to the larger ones which are better able to meet the heavy expenses of a promotional campaign; and

WHEREAS, Most seriously there is a grave risk that excessive promotion and advertising by banks may lead to destructive and unsound competition and may impair public confidence and the integrity of the banking system; and

WHEREAS, The question of public elected officials accepting such gifts has been raised;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate Financial Institutions Committee make an in-depth study of the present situation of give-aways in the state of Washington;

BE IT FURTHER RESOLVED, That a report of such findings and recommendations be transmitted to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974-210

By Senator Fleming:

WHEREAS, The Local Government Committee of the Senate has had under consideration many bills involving the use of federal grants or programs by cities, towns and counties; and

WHEREAS, Various attorney general opinions and Seattle Corporation Council opinions have questioned the legality of the expenditure of these funds by local units of government without explicit statutory authority; and

WHEREAS, The furtherance of community development within our cities, towns, and counties would be greatly expedited by the use of these federal grants or programs;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Standing Committee on Local Government study the need for expending funds for programs set forth in the Economic Opportunity Act of 1964 and other human resource planning and programming, and propose statutory language to implement the use of these federal funds;

BE IT FURTHER RESOLVED, That the Local Government Committee should report to the legislature on its study together with its recommendations prior to January 1, 1975.

SENATE RESOLUTION 1974-211

By Senator Fleming:

WHEREAS, The Local Government Committee of the Senate has had under consideration many bills affecting water districts; and

WHEREAS, Many water districts buy water from cities and have raised questions concerning the reasonableness of the rates charged for such water;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Standing Committee on Local Government conduct an in-depth study of these water rates; and

BE IT FURTHER RESOLVED, That the Local Government Committee should report its findings to the legislature prior to January 1, 1975.

SENATE RESOLUTION 1974-212

By Senator Fleming:

WHEREAS, The Local Government Committee of the Senate has had under consideration many bills affecting the annexation powers of local units of government; and
WHEREAS, The complexity and multiplicity of annexation statutes have created severe problems for local units of government;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Standing Committee on Local Government conduct an in-depth study of annexation statutes;

BE IT FURTHER RESOLVED, That the Local Government Committee should report its findings to the legislature prior to January 1, 1975.

SENATE RESOLUTION 1974-213

By Senator Fleming:

WHEREAS, The Local Government Committee of the Senate has had under consideration many bills affecting competitive bidding requirements of local units of government; and

WHEREAS, Due to the increase in inflation and the cost of materials, the costs of county road projects by day labor have increased;

NOW, THEREFORE, BE IT RESOLVED BY THE SEANTE, That the Standing Committee on Local Government conduct an in-depth study of the competitive bidding requirements of county road projects to be constructed or improved by day labor; and

BE IT FURTHER RESOLVED, That the Local Government Committee should report its findings to the Legislature prior to January 1, 1975.

SENATE RESOLUTION 1974-214

By Senator von Reichbauer:

WHEREAS, The 1956 Washington Supreme Court decision in "*Bakenhus v. the City of Seattle*" established that a public employee has a contractual and vested right in both the accrued and prospective benefits to the employee when he becomes a member of a retirement system; and

WHEREAS, Many thousands of Washington citizens are members of private retirement systems in which no such guarantee of pension benefits exist; and

WHEREAS, When a private company or corporation declares bankruptcy or ceases to do business its employees are often left without pension rights and benefits; and

WHEREAS, It is the desire of the Senate of the State of Washington that all of Washington's citizens have a decent income in their senior years;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That the Senate Committee on Financial Institutions be authorized and directed to undertake a study of the problem of vested rights of pension benefits for private employees and to develop a proposal for insuring that those benefits will not be lost to the private employee enrolled in a retirement system;

BE IT FURTHER RESOLVED, That the results of such study and any recommendations be presented to the next regular session of the Legislature.

SENATE RESOLUTION 1974-215

By Senator von Reichbauer:

WHEREAS, Telephone companies in Washington were granted a rate increase for coin-operated phones making Washington the only state in the nation with basic pay phone rates over ten cents; and

WHEREAS, It is not evident to many Washington citizens that such a rate hike was justified or necessary; and

WHEREAS, The telephone companies are private corporations which perform a vital public service; and

WHEREAS, The establishment of an emergency exchange by which one can dial 911 to summon emergency aid has proven to be a public service of exceptional merit; and

WHEREAS, The 911 emergency exchange has been extremely successful in Seattle and many other cities; and

WHEREAS, Were the telephone companies of Washington to establish a 911 emergency exchange, this would be a public service of such merit to justify the high coin-operated phone rate;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That the Senate Transportation and Utilities Committee be directed to undertake a study of the feasibility of requiring telephone companies in the state to have in operation by 1979 an emergency exchange by which any person may summon the local police, the local fire department, or the state police by dialing 911; and

BE IT FURTHER RESOLVED, That the results of such study and any recommendations be presented to the next regular session of the Legislature.

SENATE RESOLUTION 1974-216

By Senator von Reichbauer:

WHEREAS, The Spring Chinook and the Steelhead are fish which are raised and planted in the Green River by the State Game Commission; and

WHEREAS, The funds for the raising and planting of such fish come from sport fishermen who pay annual fees for the catching of Steelhead; and

WHEREAS, The Spring Chinook and Steelhead are game fish designated by the Game Commission for sport fishermen and not for commercial use; and

WHEREAS, Net fishing has resulted in a large decline in the number of fish available in the Green River for sport fishermen;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That the Department of Fisheries, the Department of Game, and the Department of Natural Resources be mandated to jointly develop and enforce such rules and regulations as are necessary to make available sufficient numbers of Steelhead and Spring Chinook for fishing by sport fishermen on the Green River.

SENATE RESOLUTION 1974-217

By Senator von Reichbauer:

WHEREAS, Legislation was introduced by executive request to consolidate the operation and purchase of school buses at the state level; and

WHEREAS, The Senate Committee on Education held two hearings in January, 1974, which highlighted the need for increased and improved coordination between existing school district transportation systems; and

WHEREAS, The hearings also raised many questions about the possible adverse impact of a state-operated school transportation system; and

WHEREAS, Data was not available for use by the Committee to accurately determine the monetary savings or additional expenses of a consolidated school transportation system; and

WHEREAS, The Legislature has established authority for school transportation pilot programs in intermediate school districts to be used to develop cost and implementation data;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That a joint School Transportation Study Committee be created with six members; three from the Senate Committee on Education and three from the Senate Committee on Ways and Means. Such members will be selected by their respective committee chairmen and be representative of each caucus.

BE IT FURTHER RESOLVED, That the Study Committee shall analyze and prepare recommendations to the Forty-fourth Legislature with respect to school transportation systems which shall include, but not be limited to, consideration of:

1. The ability of a state-operated school transportation system to more economically provide quality school transportation services.

2. Whether consolidation of school transportation should occur, how it should take place, and which agency should operate a state system.

3. The feasibility of using school buses to extend, supplement, or be replaced by the existing public transportation system.

4. The necessity of personnel transfers required by school transportation consolidation, with particular respect to state vs. local hiring, training, and dismissal of personnel, and the impact of consolidation of labor relations.

5. Current and future special programs conducted by the school systems which require special transportation needs, such as transportation for the handicapped, performing arts, and athletics.

6. The impact of a state purchase system for school buses on the availability, quality, and expense of school bus coaches.

7. The impact of state operation of buses on federal safety requirements and safety requirements of the school districts due to varying geographic and weather conditions.

BE IT FURTHER RESOLVED, That the Study Committee may utilize the staff expertise of the Superintendent of Public Instruction, the executive branch, and the local school districts.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1006,
SECOND SUBSTITUTE HOUSE BILL NO. 1077,
HOUSE BILL NO. 1245,
SUBSTITUTE HOUSE BILL NO. 1310,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1334,
HOUSE CONCURRENT RESOLUTION NO. 62.

MOTION

At 12:25 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MESSAGE FROM THE HOUSE

February 13, 1974.

Mr. President: The House has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 383, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

February 12, 1974.

Mr. Speaker:

Mr. President:

We, of your Free Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 383, providing standards for approval of plats and subdivisions, have had the same under consideration, and we recommend that Second Substitute House Bill No. 383 be amended to read as follows and that the amended bill do pass:

On page 2, section 2, beginning on line 6, strike “) none of which are smaller than *one-one hundred twenty-eighth of a section of land, or smaller than five acres*” and insert “(none) each of which is [are smaller than] *one-one hundred twenty-eighth of a section of land or larger, or five acres or larger*”.

On page 2, section 2, strike lines 21 through 28 and insert:

“(4) *Divisions made by court order: PROVIDED, That this exemption shall not apply to land divided pursuant to dissolution or partition proceedings of a corporation, partnership, limited partnership, joint venture, or trust, unless the local government wherein the land is located is made a party to the proceedings and has rendered its advice to the court in respect of the division proposed to be included within such order;*”.

On page 4, section 5, lines 32 and 33, strike “*or fees paid in lieu thereof*”.

On page 4, section 5, line 18, strike “*environmental corridors,*” and on lines 24 and 25 strike “*environmental corridors*”.

On page 6, section 9, beginning with “*In*” on line 29, strike all matter down to and including “*resolution*” on page 7, line 4 and insert:

“*In addition, when a parcel of land is divided into five or more lots without having a final plat of such subdivision filed for record, an action may be initiated on behalf of any city, town or county to recover the damages, occasioned by failure to comply with all the provisions of this chapter, to the city, town or county, or to any innocent purchaser for value without actual notice that the parcel of land is divided without compliance with all the provisions of this chapter. Any damages recovered and collected for such an innocent purchaser under this section shall be paid to the innocent purchaser by the city, town or county*”.

On page 7, section 10, lines 15 and 16, strike “[The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.] The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.”

Signed by: Senators Fleming, Murray and Woody; Representatives Adams, Haussler, Kuehnle.

MOTION

On motion of Senator Walgren, the report of the Free Conference Committee on Second Substitute House Bill No. 383 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 383, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 6; excused, 4.

Voting yea: Senators Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—39.

Absent or not voting: Senators Atwood, Bailey, Francis, Guess, Metcalf, Scott—6.

Excused: Senators Dore, Durkan, Murray, Twigg—4.

SECOND SUBSTITUTE HOUSE BILL NO. 383, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): “Mr. President, I request that the communication received from the Governor’s office by the President be immediately read to the members of the Senate for their information.”

REPLY BY THE PRESIDENT

The President: "Thank you, Senator Lewis. The Secretary of the Senate has already requested of his staff . . ."

MOTION

Senator Bailey: "Mr. President, I move we be at ease for forty minutes for the purpose of a Democratic caucus."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Senator Bailey, I have no objection to that but I think there is a lot of furor going around. It would just take a minute to read this request. We have circulated copies of the letter. Would you object to about another minute to read the letter? Would that be agreeable with you? Then we want a caucus as well. If the gentlemen of the Senate do not have a copy of the letter, if you would not object I would appreciate it."

REMARKS BY SENATOR BAILEY

Senator Bailey: "We had a matter of high priority in the caucus and I thought maybe that we could go there first and then we would have copies on our desks when we got back."

POINT OF INQUIRY

Senator Lewis (Harry): "Would you object if we just had the message read, Senator Bailey?"

Senator Bailey: "You really want it read?"

Senator Lewis (Harry): "I would really like to have it read unless you . . . I realize you have the power to say no, but I am requesting that we have it read, please."

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

REMARKS BY THE PRESIDENT

The President: "Senator Lewis and members of the Senate, the Secretary and the President already arranged for copies to be made and have decided. A message from the Governor. The Secretary will please read."

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 13, 1974.

THE HONORABLE JOHN A. CHERBERG, PRESIDENT
WASHINGTON STATE SENATE
LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON

THE HONORABLE LEONARD SAWYER, SPEAKER
WASHINGTON STATE HOUSE OF REPRESENTATIVES
LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON

GENTLEMEN:

It is my understanding that the Legislature, upon adjournment today, will not reconvene again until April 15, 1974, pursuant to the provisions of Senate Concurrent Resolution No. 153.

I submit to you that there are only two subjects which would justify reconvening the Legislature in April: (1) Supplemental budget; (2) Timber taxation. It is my strong belief that both of these subjects could be dealt with by the Legislature in two to three days, and that a recess of the Legislature today until mid-April is unwarranted and contrary to the public interest.

Moreover, our state faces right now a serious and critical fuel shortage, causing great inconvenience and unrest among our citizens. The Legislature must take immediate action on this problem. The crisis we now confront will not and cannot await resolution in an April session.

For these reasons, and pursuant to my constitutional duty and the provisions of SCR 153, I hereby request that the Legislature reconvene, after today's adjournment, at 9:00 o'clock a.m., February 14, to consider and take action on these matters of vital and critical concern to this state.

Sincerely,
DANIEL J. EVANS
Governor.

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "It is my understanding that the terms of Senate Concurrent Resolution No. 153 provide that the Governor may request to the President of the Senate and to the Speaker of the House for their decision to be made as to whether or not to call a session if he requests it. In the event that we do recess under the terms of Senate Concurrent Resolution No. 153, Mr. President, am I correct in understanding that you and the Speaker would get together to make a decision as to whether or not we should come back in the morning?"

REPLY BY THE PRESIDENT

The President: "I believe that your analysis of the concurrent resolution is the same as the President's."

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Bailey yield? Could we have a caucus, please?"

Senator Bailey: "I am not talking. I wish the rest of them would quit."

"Mr. President, in answer to Senator Canfield, we have one bill we would like to take care of — a conference report so that the Secretary can do the mechanical work and we, too, want to go to caucus."

MOTION

On motion of Senator Bailey, the communication from the Governor will be taken under consideration by the President of the Senate.

MESSAGE FROM THE HOUSE

February 13, 1974.

Mr. President: The House has adopted the report of the Free Conference Committee on SENATE BILL NO. 3003, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

February 12, 1974.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3003, making general revisions to the election laws, have had the same under consideration, and we recommend the bill be amended to read as follows:

On page 9, line 18, section 12, after "county" and before the period insert " PROVIDED, That an auditor in a county with more than 150,000 registered voters may decline to comply with the provisions of all or none of sections 1, 4, 12, 13, and 14 of this act".

Signed by: Senators Grant, Washington and Newschwander; Representatives King and Gallagher.

MOTION

On motion of Senator Grant, the report of the Free Conference Committee on Senate Bill No. 3003 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3003; as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; nays, 7; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woodall, Woody—34.

Voting nay: Senators Atwood, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Newschwander, Sellar, Wanamaker—7.

Absent or not voting: Senators Henry, Herr, Metcalf, Whetzel—4.

Excused: Senators Dore, Durkan, Murray, Twigg—4.

SENATE BILL NO. 3003, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

February 13, 1974.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 138,

HOUSE BILL NO. 1423, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 473, and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

February 13, 1974.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 748, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 3118,
 SENATE CONCURRENT RESOLUTION NO. 153.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 138,
 HOUSE BILL NO. 1423.

MESSAGES FROM THE HOUSE

February 13, 1974.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 153, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 13, 1974.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 3118, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the following Senate Resolutions were referred to the Committee on Rules:

SENATE RESOLUTION 1974-219

By Senators Ridder, Woody, Jones and Connor:

WHEREAS, Thirty million workers in the United States today are enrolled in 33,000 private pension plans with combined assets in excess of 150 billion dollars; and

WHEREAS, These plans, unregulated by any government agency, are the object of much public concern because of instances wherein those who rely upon the pensions for retirement security are denied the benefits they had anticipated; and

WHEREAS, Most people who expect to get a pension are unaware of the crucial differences between the pension fund promise to pay and the multitude of conditions to that promise; and

WHEREAS, The denial of pension benefits results in severe hardship and deprivation to workers of this state and to their spouses;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby directs the Senate Labor Committee to undertake a study of the desirability, feasibility, and appropriate manner of regulating private pensions in this state; and

BE IT FURTHER RESOLVED, The Senate Labor Committee shall report the results of the study and its recommendations and proposed legislation, if any, to the next regular session of the Legislature.

SENATE RESOLUTION 1974-220

By Senators Grant, Ridder and Connor:

WHEREAS, The enactment of the Workmen's Compensation Act of 1971 marked a fundamental departure from formerly established practices with the advent of self-insurance by those employers able to qualify; and

WHEREAS, More than one hundred employers have now been certified as self-insurers

by the Department of Labor and Industries, and a considerable amount of experience with the self-insurance program has accumulated; and

WHEREAS, The self-insurance program directly affects the health, safety, economic security, and well-being of thousands of working people employed by self-insuring companies and indirectly bears significantly upon the operation of the state workmen's compensation fund as well;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby directs the Senate Labor Committee to undertake a study of the operation of self-insurance programs and to examine whether legislation may be needed to modify or regulate such programs so as to carry out the legislative mandate and intent expressed in the Workmen's Compensation Act of 1971; and

BE IT FURTHER RESOLVED, That the Senate Labor Committee shall report the results of its study and its recommendations and proposed legislation, if any, to the next regular session of the Legislature.

SENATE RESOLUTION 1974-221

By Senators Ridder and Connor:

WHEREAS, It is necessary and desirable to provide income protection for workmen whose normal incomes terminate during periods of illness; and

WHEREAS, Income loss from non-work related illness and injury are not now covered by the workmen's compensation and unemployment systems of this state; and

WHEREAS, Unexpected loss of income results in severe hardship and deprivation to the wage earners of this state and to their families and dependents; and

WHEREAS, It is in the public interest, and for the protection of the general welfare and property of all residents of this state to make available income protection insurance coverage for our workmen;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby directs the Senate Labor Committee to undertake a study of the desirability, feasibility, cost, and appropriate manner of establishing a program of income protection for the workmen of this state who become ill or incapacitated and thus suffer a termination of income, and to report the results of its study and its recommendations and proposed legislation, if any, to the next regular session of the Legislature.

SENATE RESOLUTION 1974-222

By Senators Grant, Woody, Ridder and Connor:

WHEREAS, It is in the public interest to eliminate, to the greatest extent possible, all duplication and unwarranted disparities in collective bargaining administration and supervision; and

WHEREAS, It is necessary and desirable in the area of labor-management relations, to provide for the integration and consolidation of administrative jurisdiction in a single agency or division; and

WHEREAS, Such consolidation will achieve more uniform, impartial, efficient, and expert administration and supervision of labor-management relations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby directs that the Senate Labor Committee conduct a study of the feasibility and appropriate manner of integrating and consolidating the jurisdiction and administration of all public and private employment collective bargaining in a single agency or division, and report its findings and recommendations, with suggested legislation, if any, to the next regular session of the legislature.

SENATE RESOLUTION 1974-224

By Senators Durkan, Atwood, Donohue and Odegaard:

WHEREAS, The state will be collecting and distributing a substantial part of the property tax for school support; and

WHEREAS, This state collection and distribution of property taxes will further complicate state and local school district cash flow problems; and

WHEREAS, A fair and equitable property tax structure is essential to the support and preservation of state and local government; and

WHEREAS, The assessment of property and the levy, collection, and administration of the property tax has become a complex and intricate process; and

WHEREAS, Property assessment functions presently occur more than a year in advance of actual tax collections in a tax cycle which now spans a twenty-five month period; and

WHEREAS, Continued modifications of the tax laws, with new exemptions, credits, and programs, increase the complexities and administrative burdens confronting state and local tax administrators; and

WHEREAS, Public support and understanding of the property tax structure requires a simplified and efficient process with the elimination of confusion and all unnecessary overlap and complexities;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE STATE OF WASHINGTON, That the committee on ways and means is hereby directed to conduct a study of the property tax system, which shall include but not be limited to (1) a review and evaluation of the entire property tax cycle, (2) a review of the possibilities of quarterly tax payments, incentives for early payments, and the payment of delinquent property taxes in installments, (3) an investigation of the possibilities of shifting the property tax cycle to coincide with the state and federal fiscal year, and (4) an evaluation of all aspects previously studied in relation to the state's cash flow position and that of local governmental entities.

BE IT FURTHER RESOLVED, That the Senate Ways and Means Committee shall establish a property tax review subcommittee to provide for the input and advice of state and local tax officials and administrators, which shall include but not be limited to, a representative from the office of program planning and fiscal management, the office of the state treasurer, the department of revenue, the office of the superintendent of public instruction, the legislative budget committee, a county assessor, and a county treasurer.

BE IT FURTHER RESOLVED, That the results of this study and any recommendations thereon, with proposed legislation if appropriate, be presented to the next regular session of the legislature for its consideration.

SENATE RESOLUTION 1974 -225

By Senators Day and Guess:

WHEREAS, The Secretary of the Department of Social and Health Services has indicated that he has under consideration the closure of Eastern State Hospital and the Washington State Reformatory; and

WHEREAS, The closure of either or both of said institutions is going to have an extreme economic impact on large areas of the state; and

WHEREAS, There is a need to provide facts and statistics relating to said proposed closure;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Standing Committee on Social and Health Services investigate all of the pertinent facts relative to the operation of the Eastern State Hospital and Washington State Reformatory or either and report its findings to the January 1975 session of the Legislature for its consideration.

SENATE RESOLUTION 1974 - 226

By Senators Grant and Connor:

WHEREAS, It is the public policy of the state of Washington to provide unemployment compensation to workmen and employees who become unemployed due to economic fluctuations or other circumstances beyond their control; and

WHEREAS, Unemployment compensation provides recipients with a temporary and modest income to mitigate the disruptions and hardships of the period of transition to new employment; and

WHEREAS, The unemployment compensation system of this state has proven economically viable and self-sustaining and to be of great value to its recipients and to the economic stability of our state; and

WHEREAS, It is in the public interest, and for the protection of the welfare and property of the residents of this state, to extend unemployment compensation coverage to all public employees of the state and its political subdivisions;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does hereby direct the Senate Labor Committee to undertake a study of the desirability, feasibility, cost, and appropriate manner of extending unemployment compensation coverage to all public employees of the state and its political subdivisions, and report its findings and recommendations, with proposed legislation, if any, to the next regular session of the legislature.

SENATE RESOLUTION 1974 - 230

By Senators Durkan and Francis:

WHEREAS, Senate Bill No. 3054, the proposed Washington Correctional Ombudsman Act, would provide for a state appointed official to investigate and make recommendations concerning illegal and otherwise improper practices in correctional facilities; and

WHEREAS, Senate Bill No. 3054 has not achieved final passage within the time limits set by the Senate and House of Representatives for consideration of bills at this session;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate Judiciary Committee is authorized and directed to study Senate Bill No. 3054 and report the results of its study and any resulting recommendations or alternative proposals to the 1975 regular session of the legislature.

MOTION

At 2:55 p.m., on motion of Senator Bailey, the Senate was declared to be at ease.

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

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

MESSAGES FROM THE HOUSE

February 13, 1974.

Mr. President: The House has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 383 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

February 13, 1974.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 748, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 748.

SECOND READING

ENGROSSED HOUSE BILL NO. 1363, by Representatives Bagnariol, Hendricks, Bausch and Ceccarelli:

Providing for public employment retirement.

MOTIONS

Senator Mardesich moved that Engrossed House Bill No. 1363 be referred to the Committee on Ways and Means.

On motion of Senator Atwood, the amendment to Engrossed House Bill No. 1363 on the Secretary's desk was referred with Engrossed House Bill No. 1363 to the Committee on Ways and Means.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-207.

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

SENATE RESOLUTION 1974 - 207

By Senators Walgren, Donohue and Bailey:

WHEREAS, The legislature recognizes the people's right to participate in public meetings and hearings; and

WHEREAS, Such participation is vital and necessary for the operation of state government and the benefits accruing to our democratic form of government resulting from such participation are too numerous to set forth in this resolution; and

WHEREAS, This legislature has consistently held public hearings on measures under consideration; and

WHEREAS, Citizen input and testimony on proposed laws is necessary to the deliberations of this body; and

WHEREAS, Testimony by the citizens of this state on proposed legislation does not require such citizens to register as lobbyists under the provisions of Initiative Measure No. 276;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That this body actively seeks citizen testimony on the numerous measures it has under consideration at this time.

BE IT FURTHER RESOLVED, That notices of public hearings which request the citizens of this state to actively participate in the legislative process shall not be interpreted as requiring those citizens who do in fact participate in such hearings as having to register under the provisions of Initiative Measure No. 276; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately post a copy of this resolution in the Legislative Building and transmit copies of it to all components of the communication media in this state.

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

MESSAGES FROM THE HOUSE

February 13, 1974.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 473, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

Mr. President: The Speaker has signed SECOND SUBSTITUTE HOUSE BILL NO. 383, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 144, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2416,
 SENATE BILL NO. 3003.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-218.

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

SENATE RESOLUTION 1974 - 218

By Senators Sandison, Scott and Marsh:

WHEREAS, Many of the state's residents do not have access to postsecondary education because of geographical location, handicaps, and economic or social disadvantage; and

WHEREAS, Alternative methods of providing opportunities for postsecondary education to persons unable to attend classes on a traditional campus have been explored by a special commission appointed by the Council on Higher Education; and

WHEREAS, Several of the state's institutions of higher education are exploring optional offerings external to the campus; and

WHEREAS, Coordination of such programs is essential to conserve scarce resources:

NOW, THEREFORE, BE IT RESOLVED, That the Council on Higher Education conduct a thorough review of all existing extension and correspondence programs to determine whether they are appropriate to the role of each respective institution and to minimize duplication; and

BE IT FURTHER RESOLVED, That the Council on Higher Education review newly developed external courses, offerings, and programs; and

BE IT FURTHER RESOLVED, That the Council on Higher Education prepare guidelines and procedures for the adoption of such programs, giving specific attention to cooperative approaches among the institutions; and

BE IT FURTHER RESOLVED, That the Council on Higher Education submit a report to the Legislature by January, 1975, describing external options and a statewide approach to new offerings in this field.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-228.

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

SENATE RESOLUTION 1974 - 228

By Senators Washington, Whetzel, Guess and Murray:

WHEREAS, There has been under consideration by the legislature legislation to provide for rules, regulations and guidelines under the State Environmental Policy Act; and

WHEREAS, After extensive hearings such legislation is still under consideration by the Senate Ecology Committee; and

WHEREAS, Nearly all persons who appeared before the committee agree that there is a need for rules or guidelines spelling out the requirements of the State Environmental Policy Act and procedures under the act for complying with the act; and

WHEREAS, From testimony before the committee it is evident that need for interpretive rules and guidelines for the State Environmental Policy Act is urgent; and

WHEREAS, The committee is considering legislation to establish a Council on Environmental Policy with authority to adopt such rules and regulations. Even after the legislation is enacted there may be substantial delays in creation and establishment of this

Council. In order to expedite the work of such Council, it is desirable that a start be undertaken now on appropriate rules and guidelines so that the Council when established can promptly and expeditiously go about its work;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Department of Ecology is requested to prepare tentative rules, regulations and guidelines to interpret and implement the State Environmental Policy Act of 1971 which shall be used as a prototype for adoption by whatever agency the legislature gives the responsibility for establishing rules and guidelines under the State Environmental Policy Act, and that the Department of Ecology submit the tentative rules and regulations for consideration to the Senate Committee on Ecology for its study and consideration prior to the next legislative session.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 144.

MOTIONS

On motion of Senator Peterson (Lowell), the Senate commenced consideration of Senate Resolution 1974-231.

On motion of Senator Peterson (Lowell), the following resolution was adopted:

SENATE RESOLUTION 1974 - 231

By Senator Peterson (Lowell):

WHEREAS, Artificial propagation of salmon has created a surplus in certain hatchery areas of the state at various times; and

WHEREAS, Such surplus salmon and parts thereof have considerable monetary value to the state; and

WHEREAS, There exists a need to clarify the department of fisheries' responsibilities in the disposal of such salmon and parts thereof;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Committee on Natural Resources conduct a study of the methods of disposal of such salmon and make recommendations as to the need for possible legislation in this area.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature for its consideration.

MOTION

On motion of Senator Mardesich, the following resolution was referred to the Committee on Rules:

SENATE RESOLUTION 1974 - 229

By Senators Mardesich, Knoblauch, Atwood and Canfield:

WHEREAS, The International Joint Commission, established by treaty to handle affairs between the United States and Canada, has been conducting a study of the Point Roberts area, a portion of the state of Washington; and

WHEREAS, The Washington State Legislature was not formally included in the International Joint Commission study; and

WHEREAS, Many counties, districts, and communities were not formally contacted at the consideration stage of the Point Roberts study; and

WHEREAS, The advisory board to the International Joint Commission recommended an international recreational area of three thousand square miles, including Point Roberts, and designating Point Roberts as the administrative headquarters; and

WHEREAS, Problems of dual governmental administration should be carefully considered; and

WHEREAS, There may be many interjurisdictional problems, such as the limitations

on governmental health insurance with regard to Canadian citizens living in Point Roberts; and

WHEREAS, Various government agencies are currently considering plans for private development of the Point Roberts area which may not be compatible with the International Point Roberts Board plan; and

WHEREAS, There is the possibility that the International Joint Commission's proposals might impede private development in the Point Roberts area; and

WHEREAS, A proposed private development in the Point Roberts area to create a community of twenty thousand people would mean an increased amount of traffic to the Point; and

WHEREAS, At the present time the only land access to Point Roberts is by way of two lane road through British Columbia; and

WHEREAS, There exists a problem with transportation of goods through Canada enroute to Point Roberts; and

WHEREAS, The Province of British Columbia has indicated that it is not in favor of increased traffic by Americans to Point Roberts on Canadian Roads; and

WHEREAS, Free movement of tradesmen, their tools, and their supplies through Canada may be questioned; and

WHEREAS, There exist problems with the supply of electrical power, telephone lines, sewage, and other necessities to the Point; and

WHEREAS, There exists a problem with regard to law enforcement in Point Roberts; and

WHEREAS, Air traffic patterns on two naval air bases on Whidbey Island have not been taken into consideration in the International Joint Commission's plan; and

WHEREAS, The commission report has not directed itself to the problems of the Lummi Indian Tribe; and

WHEREAS, The existing rights of the fishermen may be adversely affected and are not guaranteed under the proposal;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that a select committee be established to develop suggested policies which would be in the best interest of the state of Washington, relating to the future of the Point Roberts area; and

BE IT FURTHER RESOLVED, That the select committee shall be composed of four members appointed by the Lieutenant Governor, two to be from the respective majority caucuses and two from the respective minority caucuses.

BE IT FURTHER RESOLVED, That the select committee shall incorporate in the suggested policies the findings, data, and opinions developed from adequate participation by all affected state and local agencies and citizen groups and to this end may hold such hearings as may be necessary; and

BE IT FURTHER RESOLVED, That the Office of the Attorney General is requested to provide such legal assistance as may be required to examine the state, local, and international legal implications of the suggested policies; and

BE IT FURTHER RESOLVED, That such suggested policies shall be presented not later than January 1, 1975, to the Washington State Senate for the purpose of considering the proposals for formal recommendation to the International Joint Commission.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-232.

Senator von Reichbauer moved adoption of the following resolution:

SENATE RESOLUTION 1974 - 232

By Senator von Reichbauer:

WHEREAS, Alexander Solzhenitsyn, Russian citizen, world author and Nobel prize winner, is a man known to readers of all languages for his consistent advocacy of the rights and dignity of man in society; and

WHEREAS, Alexander Solzhenitsyn, out of great love for his homeland and concern for its future and the future of its children, did speak to the failures within his society as well as the successes even at the risk of his citizenship, his freedom and his life; and

WHEREAS, Such honest criticism is often not appreciated in a democracy, it is not permitted in a totalitarian state; and

WHEREAS, On February 12, 1974, Alexander Solzhenitsyn was forcibly removed from his home, placed under arrest and today, according to the Associated Press, was deported from his beloved Motherland, and sent to a foreign country far away from his family, his friends, and his dream;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That we do condemn in the strongest language possible such action as inhumane, not worthy of any nation which considers itself a member of the family of civilized nations.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Richard M. Nixon, President of the United States, to the President of the United States Senate, the Speaker of the House of Representatives, to each member of Congress from the State of Washington, and to Comrade Nikolai V. Podgorny, President of the USSR.

Senator Woodall moved adoption of the following amendment:

On the last line of the resolution following "Washington," strike "and to Comrade Nikolai V. Podgorny, President of the USSR" and insert a period.

Debate ensued.

The motion by Senator Woodall failed.

Further debate ensued.

Senator von Reichbauer demanded a roll call on adoption of the resolution and the demand was sustained by Senators Washington, Francis, Ridder, Bailey, Donohue, Talley, Connor, Woodall and Peterson (Lowell).

Further debate ensued.

Senator Talley moved that Senate Resolution 1974-232 be referred to the Committee on Ecology.

Debate ensued.

The motion by Senator Talley failed on a rising vote.

On motion of Senator Walgren, Senate Resolution 1974-232 was referred to the Judiciary Committee.

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

MESSAGES FROM THE HOUSE

February 13, 1974.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2416,

SENATE BILL NO. 3003, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 13, 1974.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 144, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the following Senate Resolutions were referred to the Committee on Rules:

SENATE RESOLUTION 1974 - 234

By Senators Whetzel and Fleming:

WHEREAS, Unlidded reservoirs have existed for many years in the state of Washington providing a plentiful water supply; and

WHEREAS, The Environmental Protection Agency and the State Board of Health are considering or have adopted regulations requiring all existing reservoirs to be lidded within a certain period of time; and

WHEREAS, The substantial expenditure of funds for this public health service has been questioned as to its necessity and to its priority in relationship to other public health needs;

NOW, THEREFORE, BE IT RESOLVED, That the Senate requests the Senate Committee on Ecology to investigate the necessity and the desirability of state regulations requiring the lidding of existing uncovered water reservoirs and report back to the Legislature at its next session.

SENATE RESOLUTION 1974 - 236

By Senator Washington:

WHEREAS, Moses Lake is a large body of water with over 13,000 surface acre feet; and

WHEREAS, The lake is near the center of the State of Washington and is served by the main east-west highway in the State of Washington, being U.S. 90 and has excellent north-south road connections being State highway 17; and

WHEREAS, The lake is very heavily used by fishermen, swimmers, boaters, and picnickers who reside in the State of Washington and also used by visitors to the State of Washington; and

WHEREAS, The lake is an important recreational asset to the area and to the State of Washington; and

WHEREAS, The said Moses Lake has a serious problem of algae growth; and

WHEREAS, There is a problem of algae growth in many lakes of the state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Ecology Committee study the problem of Moses Lake and other lakes where algae growth is prevalent and report back to the next regular session on the results of such study and any recommendations of the committee.

SENATE RESOLUTION 1974 - 237

By Senators Bailey and Sandison:

WHEREAS, The 1974 extraordinary session of the 43rd Legislature has passed Substitute Senate Bill No. 3329 relating to the siting of thermal power plants; and

WHEREAS, The intent of the legislation is to expedite the certification of sites for thermal power plants and associated transmission lines and to minimize duplication of effort in conducting studies for such siting and the preparation of environmental impact statements relating to such sites; and

WHEREAS, It is the intent of the legislature that appropriate consideration will be given to protecting the quality environment in such siting process; and

WHEREAS, The Thermal Power Plant Siting Council will be directly involved in the preparation of environmental impact statements in cooperation with local governments and the industry;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Ecology Committee study the implementation of Substitute Senate Bill No. 3329 to ensure that legislative intent is carried out and that the committee report back to the 1975 regular session of the legislature on the progress of such implementation together with recommendations, if any.

APPOINTMENT TO AMERICAN REVOLUTION BICENTENNIAL COMMITTEE

Under the provisions of RCW 43.125.010, the President appointed Senator C. W. "Red" Beck to serve as a member of the American Revolution Bicentennial Committee from the Senate.

MOTION

On motion of Senator Mardesich, the appointment was confirmed.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-235.

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

SENATE RESOLUTION 1974 - 235

By Senators Washington and Donohue:

WHEREAS, In the Pacific Northwest a wave of Douglas fir Tussock moths has broken out in massive proportions, and according to professional foresters this moth infestation may prove to be one of the worst natural disasters in the history of the United States forests, even surpassing the Tillamook Burn; and

WHEREAS, On the Colville Indian Reservation this epidemic has increased tenfold so that there are now 60,000 to 70,000 acres of damage with 50,000,000 board feet of Douglas fir killed. The average stumpage value on reservation logging units is about \$95 per M. feet, for a total value of approximately \$4,750,000; and unless this epidemic is stopped by June, 1974, there will be 200,000 acres devastated with approximately 200,000,000 board feet of Douglas fir killed for a total value of \$19,000,000; and

WHEREAS, The testimony presented to the Washington State Ecological Commission has verified the seriousness of the threat to the commercial and aesthetic values of these forest lands, and the forest management industry has given testimony assuring that the proper safeguards would be utilized in the use of the DDT chemicals which would minimize and curtail the environmental concerns; and

WHEREAS, The failure of the Environmental Protection Agency to authorize the use of DDT during the 1973 infestation caused irreparable damage to the forests including damage to both commercial and recreational uses of the infested areas which might have been avoided had the infestation been controlled in an adequate and timely manner; and

WHEREAS, The information gathered by the U. S. Forest Service has indicated the 1974 Tussock moth infestation will be extensive and that the Forest Service has requested the use of DDT to control the massive infestation; and

WHEREAS, the Environmental Protection Agency of the federal government is presently considering the use of DDT in order to control the Tussock moth population in Washington, Oregon and Idaho;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington urge the United States Environmental Protection Agency to allow the controlled use of DDT to halt the Tussock moth infestation.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-238.

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION 1974 - 238

By President Cherberg, Senators Bailey, Mardesich, Fleming, Henry, Keefe, Sandison, Atwood, Lewis (Harry), Matson, Newschwander, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody:

WHEREAS, The members of the Washington State Senate are cognizant of the exceptional fashion in which the Senate's administrative and structural business is being administered; and

WHEREAS, The Honorable Sid Snyder has served the Senate as its Secretary since May, 1969; and

WHEREAS, Secretary Snyder has given to his office a penetrating knowledge of the legislative process, an analytical administrative guidance and a perceptive management of his skilled staff, to create a model of responsive and efficient business operation; and

WHEREAS, Secretary Snyder has maintained, during the demanding periods of active sessions and the equally critical interim periods, a cooperative and productive response to members' needs which has contributed immeasurably to the successful management of Senate business; and

WHEREAS, Secretary Snyder has sustained cordial, cooperative and helpful relationships with the individual Senate members;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does hereby express its formal appreciation to Secretary Sid Snyder for outstanding performance of his demanding duties, and dedicated loyalty to the Senate and to its individual members; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted to Secretary of the Senate Sid Snyder.

REMARKS BY SENATOR WOODALL

Senator Woodall: "A thought just occurred to me. Would it be more meaningful if the resolution bore the sponsorship of the entire body. I would certainly be happy to have my name added and if it would be more meaningful, why I would so move that it show the sponsorship of the entire body. Perhaps you can confer with him and see what his wishes would be."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "On behalf of the minority caucus, Sid, we thank you for all your courtesies. You have again performed magnificently and were outstanding, showing no favors between the two, and we thank you very much."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "I would like to add another note. Several times I have called Olympia from home and these gals, for some reason or other, never ask me who it is. They know already and they have always been most courteous and helpful."

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President, I kept waiting for a sentence that might add a salary increase on to him. It is all very nice."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "There is a point at which the government takes it all. And in response to Senator Atwood's statement about no favors and being fair, now he has got me worried. I do not know really how I could add anything to it, Sid. Certainly the place would collapse without you to 'one-lung'."

REMARKS BY SENATOR LOWELL PETERSON

Senator Peterson (Lowell): "Mr. President and members of the Senate, it gives me a great pleasure to stand here and commend our Secretary and I am glad that I have the backing of my colleagues on this side of the aisle."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "I just want to be very brief, Sid trained under Si Holcomb in the House and I remember his days in the House and he was just as fair and honest and straight, and he is really a credit to the whole state. Sid, I am proud to work with you. We all feel this way."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I just want to point out that this resolution speaks for itself, but Sid was raised in the nineteenth district and just recently transferred into Gary Odegaard's district. He got his experience in a good district."

REMARKS BY SENATOR TALLEY

Senator Talley: "Senator Bailey should get his facts right. He was raised in the eighteenth district."

REMARKS BY SENATOR JONES

Senator Jones: "Mr. President, the back row caucus wishes to extend its hearty congratulations to you, Sid, and we appreciate your efforts on our part. Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "After all the nice things have been said and done, he could move into the twenty-ninth district. He would find himself in the best Democratic district in the whole state, and the Democrats will welcome him. He does a good job anyway."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think the fact is we all claim him and that is the main thing. I would like to suggest we stand and give him a round of applause."

REMARKS BY THE PRESIDENT

The President: "Sid, by now I think you are suitably embarrassed, but the President also wishes to extend his thanks and appreciation to you for a job more than well done."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "Are we going to forget these other people up in front who have done so well, including Leather Lungs and all these other people?"

REPLY BY THE PRESIDENT

The President: "They are going to be invited to come out once again, Senator."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I am kind of worried. The resolution has not been adopted yet."

REMARKS BY SID SNYDER

Sid Snyder: "Really, I would not say embarrassed, but really grateful for the fine tribute, and any success that we may have achieved certainly should be shared with the fine staff that I have; if not shared; they should have full credit, and this includes able, right-hand Bill Gleason and, as the President referred to him, Leather Lungs Verne Sawyer,

and our Minute/Journal Clerk Dorothy Greeley. Elmo Fadling is busy on the phone over there. And Marian Rohrbeck who is the workroom supervisor, and of course, my very able secretary, Florence Kenderesi; Pat Knowlton. Thank the rest of the girls there too."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "We have not adopted that resolution yet."

REPLY BY THE PRESIDENT

The President: "Oh, that is right. As many as are in favor will say aye. As many as are opposed will say no. Having received the unanimous approval of the Senate, the resolution is adopted."

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 383,
SUBSTITUTE HOUSE BILL NO. 473.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-239.

On motion of Senator Peterson (Lowell), the following resolution was adopted:

SENATE RESOLUTION 1974 - 239

By Senator Lowell Peterson:

WHEREAS, Recent federal court decisions have had a major impact on state laws, rules and regulations as they relate to fishing rights; and

WHEREAS, There is a need for continued study to determine the significance of these decisions; and

WHEREAS, Technical fisheries expertise is needed to find solutions for existing problems; and

WHEREAS, The continuation of state funding for the enhancement of fish runs may need to be revised;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Natural Resources Committee conduct an in-depth study of the recent federal court decisions relating to fishing rights and the effect of such decisions on this state and its fish resources.

BE IT FURTHER RESOLVED, That the results of the study be presented to the next regular session of the Legislature for its consideration.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-240.

On motion of Senator Bailey, Senator Odgaard was permitted as an additional sponsor on Senate Resolution 1974-240.

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

SENATE RESOLUTION 1974 - 240

By Senators Bailey, Odgaard and Talley:

WHEREAS, The commercial charter boat industry of the State of Washington represents a substantial investment in the economy of the State of Washington of more than \$100,000,000; and

WHEREAS, The present fuel oil shortage threatens this industry with severe cutbacks

and even possible bankruptcy of entire sections of the industry if allocations of necessary fuels become unobtainable or severely limited; and

WHEREAS, Such curtailment would have adverse economic effects on great segments of the state's economy;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that we ask that consideration be given in federal allocation programs to the very important industry priorities that will insure its continuation and development in order to insure this vital contribution to the nation's food supply; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Federal Energy Office, Seattle, Washington, the Administrator of the Federal Energy Office in Washington, D. C., and to the members of the congressional delegation from the State of Washington, expressing our concern that the significance of this industry be recognized by appropriate priority.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1974-233.

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 1974 - 233

By Senators Rasmussen and Mardesich:

WHEREAS, There is great public interest in the historic Governor's Mansion on the Capitol Campus; and

WHEREAS, The relationship of the Mansion to other buildings on the Capitol ground, such as a proposed Executive Office Building, is under study by Legislative committees; and

WHEREAS, Nothing should be done to destroy the appearance of the historic Governor's Mansion;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that Governor Evans halt plans for remodeling the Mansion and destroying its appearance and that \$600,000 provided for this project be put to better uses; and

BE IT FURTHER RESOLVED, That no plans for the Mansion project should proceed without a complete review of the program for Capitol Grounds Building construction and its relationship with the Mansion being approved by the Legislature; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the Governor of the State of Washington.

MOTION

Senator Scott moved that Senate Resolution 1974-233 be referred to the Committee on State Government.

Debate ensued.

The motion by Senator Scott failed.

The President declared the question before the Senate to be the vote on adoption of Senate Resolution 1974-233.

The motion by Senator Rasmussen carried and the resolution was adopted on a rising vote.

MOTION

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

SENATE RESOLUTION 1974-241

By Lieutenant Governor Cherberg, Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"),

Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odogaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody:

WHEREAS, One of the primary objectives of Expo '74 in Spokane is to enhance the concept of the brotherhood of man through contact with peoples of all nations; and

WHEREAS, This nation and particularly the state of Washington has enjoyed a special affinity with people directly from and the descendants of those from Sweden; and

WHEREAS, This state's citizens, through similarities in our forest products, fishery, and maritime industries share much of mutual interest with the people of Sweden; and

WHEREAS, Many of our citizens and the citizens of Sweden have a parallel cultural, social and religious heritage; and

WHEREAS, Citizens of Swedish descent have made massive contributions in all aspects of life in our state; and

WHEREAS, SAS, Scandinavian Airlines System through the efforts of the Honorable Leif Eie, Area Manager, has been designated the official airline for Expo '74; and

WHEREAS, Through their constitutional monarchy form of government, the people of Sweden are uniquely represented in the person of their reigning sovereign;

NOW, THEREFORE, BE IT RESOLVED, That out of respect and affection for, and a sense of common purpose with the people of Sweden, that it is the desire of the people of the state of Washington, the elected officials of the state of Washington, members of the congressional delegation of the state of Washington, and members of the legislature of the state of Washington that King Carl XVI Gustaf of Sweden shall be invited to attend Expo '74 in Spokane; and

BE IT FURTHER RESOLVED, That King Carl XVI Gustaf of Sweden shall be the guest of the Washington State Senate and of Senate President Lieutenant Governor John A. Cherberg; and

BE IT FURTHER RESOLVED, That an invitation to implement this resolution shall be conveyed, through appropriate channels, to King Carl XVI Gustaf of Sweden.

MOTION

Senator Mardesich: "Mr. President, I move that the Executive Committee of the Rules Committee be authorized to refer bills from the Rules Committee to other standing committees of the Senate and to refer bills from one Senate standing committee to another Senate standing committee during the recess authorized by SCR153.

"By way of explanation, of course we have had a number of bills down in Rules that committees have requested back to correct and to amend. There are bills up in Ways and Means that should be referred to other committees. They were sent there for fiscal notes, so we want to get those bills back and rather than go through all the problems of finding out where they are and making specific motions, we thought this general motion would cover the whole situation."

MOTION

Senator Francis: "Mr. President, I move that the last part of Senator Mardesich's motion be stricken and that is the language referring from one standing committee to another."

"Mr. President, I think that the members, if they are going to vote on that, ought to at least be aware of the significance of it because at that point the Executive Committee of the Rules Committee becomes the biggest super-committee we have ever had. If something is being held up in a committee the body as a whole does not get to vote on it; the membership of the committee does not get to vote on it; the Executive Committee of the Rules Committee simply transfers it to a committee of its choice. I respect most of the things that Senator Mardesich is doing to make this body more efficient and more effective but I for one do not want to see the Executive Committee of the Rules Committee become a committee which can overrule everything that the other standing committees do, even as

to what bills they will be able to continue considering, and I hope you will support me in cutting them back that much.”

REMARKS BY SENATOR LOWELL PETERSON

Senator Peterson (Lowell): “Mr. President and members of the Senate, speaking against Senator Francis’ motion to rerefer, I think this is a proper motion and I think it would expedite the business of the Senate to proceed in this fashion. I have some bills, Senator Francis, that I have referred to Ways and Means and some that are still in Rules and I have no objection and can see no objection in letting the Executive Committee on the Rules Committee rerefer those bills if in their judgment they so desire, and I have just as much concern as you do, Senator Francis, but I am willing to go along with the process and as Senator Mardesich indicated, when we come back down here, hopefully we are not going to be here very long and I think this is the fastest and the best way to go. In that vein I would speak against your motion.”

REMARKS BY SENATOR CLARKE

Senator Clarke: “Mr. President, it occurs to me that perhaps a middle ground would add to the efficiency and that would simply be with the consent of the chairman of the committee presently holding the bill. I can very well see that from a mechanical standpoint as has been pointed out, there may be situations where it is desirable to transfer a bill from one committee to another and we should not be kept from doing that. On the other hand, I also think that Senator Francis had a very good point that where a committee does have a bill and is working on it, that it should not be taken away from them without the consent of that committee. So if you add to that, Senator Mardesich, ‘with the consent of the chairman of the committee holding the bill,’ it would seem to me a good compromise.”

REMARKS BY SENATOR MARDESICH

Senator Mardesich: “I have no objection to that amendment at all but I would hate to see too many one-armed chairmen running around this place later.”

The motion by Senator Mardesich, as amended by Senator Clarke, that the Executive Committee of the Rules Committee be authorized to refer bills from the Rules Committee to other standing committees of the Senate and to refer bills from one Senate standing committee to another Senate standing committee during the recess authorized by SCR 153 with the consent of the Chairman of the committee holding the bill, carried.

MOTION

Senator Lewis (Harry) moved that the Senate Remonstrance be assigned to the Executive Committee of the Rules Committee.

Debate ensued.

MOTION

At 5:19 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:00 a.m., Monday, April 15, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, April 15, 1974.

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 Keefe, Rasmussen and Woodall. There being no objection, Senators Keefe and Rasmussen were excused.

The Color Guard, consisting of Pages Meri Hurst and Mark Letteer, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD OUR FATHER, HAVE MERCY ON US YOUR PEOPLE CONFUSED AND UNCERTAIN, IN NEED OF DIRECTION. A FEW DAYS AGO A SUPREME COURT JUSTICE TOLD US OUR GOVERNMENT IS A GOVERNMENT OF THE CORPORATIONS, BY THE CORPORATIONS AND FOR THE CORPORATIONS. SUCH STATEMENTS CAUSE PEOPLE TO LOOK WITH DISTRUST ON THE MEMBERS OF THIS CHAMBER AND OTHERS ELECTED TO POLITICAL OFFICE. WHEN TRUST DISAPPEARS AMONG PEOPLE DISILLUSIONMENT DEVELOPS AND THE DANGER OF TYRANNY AND OPPRESSION INCREASES. WE DO NOT BELIEVE LORD THAT THE DEMOCRATIC PROCESS IS IDEAL, BUT WE BELIEVE IT IS THE BEST FOR OUR IMPERFECT LOT IN LIFE. GIVE TO OUR LEGISLATORS CONCERN FOR THE INDIVIDUAL IN JAIL, THE VICTIM OF CRIME, THE TRAFFIC FATALITY, THE WITNESS IN COURTS, THE RETIRED AND THOSE WITH INFLATION EATING INTO A FIXED INCOME. MAY THE EFFORTS OF THIS SENATE BE GUIDED BY YOU, LORD, IN THEIR DELIBERATIONS ON THE BUDGET, THE RIGHT USE OF THE TIMBER RESOURCES WITH WHICH OUR STATE IS ENDOWED, EDUCATION CONCERNS AND THE OTHER PROBLEMS THAT CALL FOR THEIR ATTENTION. AMEN."

MOTION

On motion of Senator Mardesich, the reading of the journal of February 13, 1974 was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

April 5, 1974.

SENATE BILL NO. 2388, requiring annexation resolutions and petitions to be acted upon within one year (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2388 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Beck, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley, Whetzel.

Passed To Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 2477, providing for reinstatement of corporate privilege to do business after lapse of license (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 2670, providing increase for justice court juror's fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 2797, relating to lotteries (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2797 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 2881, providing that a tenant who breaks his lease without making payment for the period of contract or leaving a forwarding address shall be guilty of a misdemeanor (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 2973, making certain changes in the laws relating to support of stepchildren (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Greive, Marsh, Twigg.

Passed to Committee on Rules for second reading.

March 9, 1974.

SENATE BILL NO. 3004, increasing motor vehicle financial responsibility requirements (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Dore, Chairman; Keefe, Mardesich, Walgren, Woody.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 3082, providing for rules and regulations requiring school districts to publish statement of student responsibilities and rights of school district personnel respecting same (reported by Committee on Education):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3082 be substituted therefor and the second substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Murray, Newschwander, Peterson (Ted).

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 3096, providing for review of agency requests for additional housing (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Wanamaker.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 3102, providing for temporary appointments in case of vacancies in the office of U.S. Senator (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Grant, Chairman; Canfield, von Reichbauer, Washington.

Passed to Committee on Rules for second reading.

March 9, 1974.

SENATE BILL NO. 3121, authorizing the appointment of additional judicial officers in municipal courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Greive, Marsh, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 7, 1974.

SENATE BILL NO. 3143, extending the authority of hospital districts (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Francis, Jones, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

March 9, 1974.

SENATE BILL NO. 3152, allowing savings and loan associations to pay over balance of funds to an executor or administrator of an estate of deceased when such executor or administrator is appointed under the laws of any other state, territory or country (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Walgren, Woody.

Passed to Committee on Rules for second reading.

March 9, 1974.

SENATE BILL NO. 3153, including federal credit unions and savings and loan associations in the definition of "depository" in the "prearrangements contracts act" for cemetery services (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Walgren, Woody.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 3169, defining crimes relating to telephone and telegraph services (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Greive, Marsh, Twigg.

Passed to Committee on Rules for second reading.

April 7, 1974.

SENATE BILL NO. 3246, providing for a special fuel tax (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Stortini, Vice Chairman; Guess, Knoblauch, Sellar, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

March 8, 1974.

SENATE BILL NO. 3291, making certain changes in the laws relating to department of agriculture regulations (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Matson, Sellar, Twigg, Washington.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 3305, authorizing a discount on liquor purchased by alcoholism programs (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Wanamaker.

Passed to Committee on Rules for second reading.

March 9, 1974.

SENATE BILL NO. 3317, enacting the insurance industry regulation act of 1974 (reported by Committee on Financial Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 3317 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Walgren, Woody.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 3345, creating supplemental nutritional program for children in attendance in schools and child development centers (reported by Committee on Education):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3345 be substituted therefor and the second substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Fleming, Murray, Peterson (Ted).

Passed to Committee on Rules for second reading.

April 7, 1974.

SENATE BILL NO. 3365, providing for the reuse of certain unused drugs in nursing homes (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder.

Passed to Committee on Rules for second reading.

April 5, 1974.

SUBSTITUTE HOUSE BILL NO. 94, providing for veterans' preference in civil service examinations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch.

Passed to Committee on Rules for second reading.

April 5, 1974.

ENGROSSED HOUSE BILL NO. 188, providing for a change in the method of computing the salary of the court administrator (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Greive, Marsh, Twigg.

Passed to Committee on Rules for second reading.

April 5, 1974.

ENGROSSED HOUSE BILL NO. 515, pertaining to public work contracts in first class cities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Beck, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

April 5, 1974.

ENGROSSED HOUSE BILL NO. 1242, providing for the use of hand-held gear for commercial salmon fishing (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

April 5, 1974.

HOUSE BILL NO. 1258, requiring interest to be paid by the state and its political subdivisions on judgments arising out of their tortious conduct (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Dore, Greive, Marsh.

Passed to Committee on Rules for second reading.

April 5, 1974.

HOUSE BILL NO. 1269, adding additional judge for counties of Clallam and Jefferson jointly (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Greive, Marsh, Twigg.

Passed to Committee on Rules for second reading.

April 15, 1974.

ENGROSSED HOUSE BILL NO. 1297, authorizing certain inspections by the department of game (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted).

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 9, 1974.

MRS. HELEN RADKE, to the position of member of the Washington State Board for Community College Education, appointed by the Governor on July 1, 1973 for the term ending April 3, 1977, succeeding Mrs. Ruth Shepherd (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Marsh, Scott.

Passed to Committee on Rules.

March 9, 1974.

ANDREW YOUNG, to the position of member of the Washington State Board for Community College Education, appointed by the Governor on June 4, 1973 for the term ending April 3, 1977, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Marsh, Scott.

Passed to Committee on Rules.

April 5, 1974.

ROBERT W. STRAUSS, to the position of member of the Board of Regents for Washington State University, appointed by the Governor on June 7, 1973 for the term ending March 9, 1979, succeeding Lyle W. Neff (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

March 9, 1974.

DR. ROBERT GIBB, to the position of member of the Board of Regents for Washington State University, appointed by the Governor on June 21, 1973 for the term ending March 9, 1979, succeeding Howard W. Morgan (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Marsh, Scott.

Passed to Committee on Rules.

April 5, 1974.

HAROLD A. ROMBERG, to the position of member of the Board of Regents for Washington State University, appointed by the Governor on June 7, 1973 for the term ending March 9, 1979, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

HARRIS "BRICK" JOHNSON, to the position of member of the Board of Trustees of Community College District No. 1, Peninsula Community College, appointed by the Governor on April 23, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

DR. WILLIAM J. MCKINNEY, to the position of member of the Board of Trustees of Community College District No. 2, Grays Harbor Community College, appointed by the Governor on April 30, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

RAYMOND L. SOULE, to the position of member of the Board of Trustees of Community College District No. 3, Olympic Community College, appointed by the

Governor on June 4, 1973 for the term ending April 3, 1977, succeeding Louis Soriano (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

MRS. MARJORIE PETERS, to the position of member of the Board of Trustees of Community College District No. 4, Skagit Valley Community College, appointed by the Governor on April 13, 1973 for the term ending April 3, 1978, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

MRS. LAWRENCE E. FOSTER, to the position of member of the Board of Trustees of Community College District No. 3, Olympic Community College, appointed by the Governor on May 15, 1973 for the term ending April 3, 1978, succeeding Gordan Farrar (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

March 9, 1974.

MRS. CLAUDETTE R. CODY, to the position of member of the Board of Trustees of Community College District No. 5, Everett-Edmonds Community College, appointed by the Governor on August 28, 1973 for the term ending April 3, 1976, succeeding John D. Woodward (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Marsh, Scott.

Passed to Committee on Rules.

April 5, 1974.

GEORGE WILLIAMS, to the position of member of the Board of Trustees of Community College District No. 5, Everett-Edmonds Community College, appointed by the Governor on June 8, 1973 for the term ending April 3, 1978, succeeding Dr. Arne G. Hansen (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

EUGENE CORR, to the position of member of the Board of Trustees of Community College District No. 6, Seattle Community College, appointed by the Governor on May 14, 1973 for the term ending April 3, 1978, succeeding Cam DeVore (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

MRS. ROY S. MAR, to the position of member of the Board of Trustees of Community College District No. 6, Seattle Community College, appointed by the Governor on April 7, 1972 for the term ending April 3, 1977, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

PINCKNEY M. ROHRBACK, to the position of member of the Board of Trustees of Community College District No. 7, Shoreline Community College, appointed by the Governor on April 6, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

NEIL McREYNOLDS, to the position of member of the Board of Trustees of Community College District No. 8, Bellevue Community College, appointed by the Governor on May 14, 1973 for the term ending April 3, 1978, succeeding Robert F. Hayman (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

VINCENT A. MENNELLA, to the position of member of the Board of Trustees of Community College District No. 9, Highline Community College, appointed by the Governor on April 13, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

DR. RICHARD A. EIDAL, to the position of member of the Board of Trustees of Community College District No. 10, Green River Community College, appointed by the Governor on April 30, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

DOUGLAS RICHTER, to the position of member of the Board of Trustees of Community College District No. 11, Fort Steilacoom Community College, appointed by the Governor on April 13, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

DALE BOWEN, M.D., to the position of member of the Board of Trustees of Community College District No. 13, Lower Columbia Community College, appointed by the Governor on May 23, 1973 for the term ending April 3, 1978, succeeding Eric Feasey (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

MRS. BETTY J. MAGE, to the position of member of the Board of Trustees of Community College District No. 14, Clark Community College, appointed by the Governor on April 6, 1973 for the term ending April 3, 1978, succeeding herself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

THOMAS C. WARREN, to the position of member of the Board of Trustees of Community College District No. 15, Wenatchee Valley Community College, appointed by the Governor on May 21, 1973 for the term ending April 3, 1978, succeeding Jean Ludwick (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

CHARLES de la CHAPELLE, to the position of member of the Board of Trustees of Community College District No. 16, Yakima Valley Community College, appointed by the Governor on April 13, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

ROBERT T. GREENE, to the position of member of the Board of Trustees of Community College District No. 17, Spokane Community College, appointed by the Governor on May 15, 1973 for the term ending April 3, 1978, succeeding Thomas Giboney (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

ALFRED C. GEESEY, to the position of member of the Board of Trustees of Community College District No. 18, Big Bend Community College, appointed by the Governor on May 15, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

LYLE D. PERRIGO, to the position of member of the Board of Trustees of Community College District No. 19, Columbia Basin Community College, appointed by the Governor on April 6, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

I. L. SMITH, to the position of member of the Board of Trustees of Community College District No. 20, Walla Walla Community College, appointed by the Governor on

April 6, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

JAMES G. McKELLAR, to the position of member of the Board of Trustees of Community College District No. 21, Whatcom Community College, appointed by the Governor on May 24, 1973 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

LEWIS HATFIELD, to the position of member of the Board of Trustees of Community College District No. 22, Tacoma Community College, appointed by the Governor on April 13, 1973 for the term ending April 3, 1978, succeeding Charles Edmonds (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

RICHARD P. WOLLENBERG, to the position of member of the Council on Higher Education, appointed by the Governor on August 20, 1973 for the term ending June 30, 1979, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

MRS. RUTH SHEPHERD, to the position of member of the Council on Higher Education, appointed by the Governor on August 17, 1973 for the term ending June 30, 1979, succeeding Mrs. Tad Wada (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

DANIEL V. CARBONE, to the position of member of the Board of Trustees of Community College District No. 6, Seattle Community College, appointed by the Governor on October 25, 1973 for the term ending April 3, 1976, succeeding George French (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

April 5, 1974.

WILLIAM H. LAWRENCE, Ph.D., to the position of member of the Board of Trustees of Community College District No. 12, Centralia Community College, appointed by the Governor on December 6, 1973 for the term ending April 3, 1974, succeeding Tom Koenninger (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

April 5, 1974.

MRS. WILLIAM H. COWLES, III, to the position of member of the Council on Higher Education, appointed by the Governor on January 1, 1974 for the term ending June 30, 1979, succeeding Mrs. David Gaiser (reported by the Committee on Higher Education):
MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.
Passed to Committee on Rules.

March 9, 1974.

MRS. HELEN THOMPSON, to the position of member of the Council on Higher Education, appointed by the Governor on January 7, 1974 for the term ending June 30, 1977, succeeding Goodwin Chase (reported by the Committee on Higher Education):
MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Marsh, Scott.
Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Office of the Governor, March 29, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
MRS. EDITH KOGENHOP, appointed February 14, 1974 for a term ending January 4, 1977, succeeding herself as a member of the State Personnel Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, March 29, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
MRS. DIANNE E. FRICHTL, appointed February 5, 1974 for a term ending April 3, 1977, succeeding Lloyd Hinds as a member of the Board of Trustees of Community College District No. 14, Clark Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 29, 1974.

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

LADY AND GENTLEMEN:

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

LOUIS SORIANO, appointed April 3, 1974 for a term ending April 3, 1978, succeeding himself as a member of the State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, March 29, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
DONALD K. MORFORD, appointed April 3, 1974 for a term ending April 3, 1978, succeeding himself as a member of the State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3380, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Ridder, Connor, Jones, Clarke, Murray, von Reichbauer and Francis):

An Act relating to health care services, enabling the hospital commission to undertake a state cost containment control program in lieu of a federal control program as authorized under federal law and regulation; amending section 15, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.140; and declaring an emergency.

Referred to Committee on Rules.

SENATE BILL NO. 3381, by Committee on Local Government (endorsed by Senators Whetzel, Fleming, Murray, Sellar, Jolly, Ridder, Beck, Lewis (R. H. "Bob") and Talley:

An Act relating to water reservoirs; adding a new section to chapter 8, Laws of 1965 and to chapter 43.20 RCW; and declaring an emergency.

Referred to Committee on Rules.

SENATE BILL NO. 3382, by Committee on Higher Education (endorsed by Senators Sandison, Guess, Marsh, Scott, Donohue and Durkan):

An Act relating to the laws against discrimination; and amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222.

Referred to Committee on Rules.

SENATE BILL NO. 3383, by Committee on Higher Education (endorsed by Senators Sandison, Guess, Scott, Metcalf, Donohue and Marsh):

An Act relating to higher education; reenacting section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 9, Laws of 1973 1st ex. sess. and section 4, chapter 147, Laws of 1973 1st ex. sess. and RCW 28B.10.660; reenacting section 3, chapter 279, Laws of 1971 as amended by section 1, chapter 46, Laws of 1973 1st ex. sess. and by section 2, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.15.041; repealing section 28B.50.570, chapter 223, Laws of 1969 ex. sess., section 23, chapter 62, Laws of 1973 and RCW 28B.50.570; declaring an emergency and providing an effective date.

Referred to Committee on Rules.

MOTION

At 9:20 a.m., on motion of Senator Mardesich, the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:15 a.m.

With leave of the Senate, business was suspended to introduce The Reverend Louis Gaffney, S.J., President of Seattle University.

MOTION

At 11:25 a.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

At 2:05 p.m., on motion of Senator Mardesich, the Senate recessed until 3:15 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:15 p.m.

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

REPORTS OF STANDING COMMITTEES

April 5, 1974.

SENATE BILL NO. 2156, providing that limitations on implied warranties shall be of no effect regarding consumer goods (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Marsh.

Passed to Committee on Rules for second reading.

April 15, 1974.

SENATE BILL NO. 3277, providing for the state environmental policy (reported by Committee on Ecology):

Recommendation: That Substitute Senate Bill No. 3277 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

April 15, 1974.

SENATE BILL NO. 3341, providing for treatment of alcoholic and intoxicated persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 3341 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Francis, Jones, Ridder, Twigg.

Passed to Committee on Rules for second reading.

April 15, 1974.

HOUSE BILL NO. 1183, making certain changes in the laws relating to emergency services (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Ridder, Twigg.

Passed to Committee on Rules for second reading.

MOTION

At 3:30 p.m., on motion of Senator Mardesich, the Senate recessed until 4:30 p.m.

THIRD AFTERNOON SESSION

The President called the Senate to order at 4:30 p.m.

MOTION

At 4:30 p.m., on motion of Senator Bailey, the Senate was declared to be at ease until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

MOTIONS

On motion of Senator Walgren, Senators Stortini and Bottiger were excused.

On motion of Senator Mardesich, Senators Greive and Dore were excused.

On motion of Senator Mardesich, the Senate commenced consideration of the confirmations of gubernatorial appointments.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sandison, the appointment of GEORGE DUECY as a member of the State Board for Community College Education was confirmed.

APPOINTMENT OF GEORGE DUECY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—41.

Absent or not voting: Senators Beck, Grant, Murray, Twigg—4.

Excused: Senators Bottiger, Dore, Greive, Stortini—4.

MOTION

On motion of Senator Clarke, the appointment of JAMES G. McCURDY as a member of the Washington State Parks and Recreation Commission was confirmed.

APPOINTMENT OF JAMES G. McCURDY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senator Beck-1.

Excused: Senators Bottiger, Dore, Greive, Stortini-4.

MOTION

On motion of Senator Day, the appointment of GEORGE W. JOHNSON as a member of the Board of Prison Terms and Parole was confirmed.

APPOINTMENT OF GEORGE W. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senator Beck-1.

Excused: Senators Bottiger, Dore, Greive, Stortini-4.

MOTION

On motion of Senator Walgren, the appointment of DR. OSWALD H. GREAGER as chairman of the Thermal Power Plant Site Evaluation Council was confirmed.

APPOINTMENT OF DR. OSWALD H. GREAGER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall-42.

Absent or not voting: Senators Atwood, Beck, Woody-3.

Excused: Senators Bottiger, Dore, Greive, Stortini-4.

MOTION

On motion of Senator Sandison, the appointment of ROBERT W. WINSTON, JR. as a member of the Board of Trustees of Western Washington State College was confirmed.

APPOINTMENT OF ROBERT W. WINSTON, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander,

Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senator Francis—1.

Excused: Senators Bottiger, Dore, Greive, Stortini—4.

MOTION

Senator Day moved that the appointment of PHILLIP NUDELMAN as a member of the State Board of Pharmacy be confirmed.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Day yield to a question? Senator Day, this is not what you think. It was recommended that there be lay members of this board. Can you tell me, is this one of the lay members or is this a member of the profession?"

Senator Jones: "Phil Nudelman is a practicing pharmacist and a constituent of mine and a very fine gentleman and I would like to add my recommendation to his confirmation. He is presently in the geriatrics portion of pharmacy. He has been a practicing pharmacist. He has been a very active community leader in terms of dealing with drug abuse with youth, just a fine upstanding man, and I have more than answered your question."

Senator Rasmussen: "Thank you, Senator Jones. I have no objection to his being a member of the profession. I was curious when we were going to get some lay members on the Board of Pharmacy and that is what I was asking Senator Day. Do you know, Senator Day?"

Senator Day: "Would you repeat the question?"

Senator Rasmussen: "As I recall, the recommendation was made that there be — that the Board of Pharmacy not be composed entirely of people in the pharmacy profession."

Senator Day: "It was not only a recommendation, but this does not happen to be the lay member, as Senator Jones has stated. I think there is one lay member on there now."

Senator Rasmussen: "Thank you."

The motion by Senator Day carried and the appointment of Phillip Nudelman as a member of the Board of Pharmacy was confirmed.

APPOINTMENT OF PHILLIP NUDELMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senator Francis—1.

Excused: Senators Bottiger, Dore, Greive, Stortini—4.

MOTION

On motion of Senator Sandison, the appointment of TOM DIXON as a member of the Board of Trustees of Evergreen State College was confirmed.

APPOINTMENT OF TOM DIXON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis

(R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-43.

Absent or not voting: Senators Donohue, Guess-2.

Excused: Senators Bottiger, Dore, Greive, Stortini-4.

MOTION

On motion of Senator Sandison, the appointment of HELEN RADKE as a member of the Washington State Board for Community College Education was confirmed.

APPOINTMENT OF HELEN RADKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 6; excused, 4.

Voting yea: Senators Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall, Woody-39.

Absent or not voting: Senators Atwood, Francis, Guess, Jones, Twigg, Washington-6.

Excused: Senators Bottiger, Dore, Greive, Stortini-4.

MOTION

On motion of Senator Sandison, the appointment of ANDREW YOUNG as a member of the Washington State Board for Community College Education was confirmed.

APPOINTMENT OF ANDREW YOUNG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senator Francis-1.

Excused: Senators Bottiger, Dore, Greive, Stortini-4.

MOTION

On motion of Senator Day, the appointment of LUDWIG LOBE as a member and chairman of the Hospital Commission was confirmed.

APPOINTMENT OF LUDWIG LOBE

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

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-45.

Excused: Senators Bottiger, Dore, Greive, Stortini-4.

MOTION

On motion of Senator Day, the appointment of NORMAN RAMSEY as a member of the Hospital Commission was confirmed.

APPOINTMENT OF NORMAN RAMSEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—44.

Absent or not voting: Senator Woody—1.

Excused: Senators Bottiger, Dore, Greive, Stortini—4.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 15, 1974.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2085, bringing Washington traffic laws into conformity with those of other states (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2085 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Jolly, Knoblauch, Matson, Peterson (Lowell), Sellar, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

April 5, 1974.

SENATE BILL NO. 2906, relating to the environment (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2906 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Murray, Stortini, Whetzel.

Passed to Committee on Rules for second reading.

April 15, 1974.

SENATE BILL NO. 3211, adopting a model traffic ordinance for use by local governments (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Talley, Washington.

Passed to Committee on Rules for second reading.

April 15, 1974.

SENATE BILL NO. 3253, making an appropriation for the operation of state government (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3253 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Grant, Mardesich, Marsh, Sandison, Woody.

MOTIONS

On motion of Senator Durkan, Senate Bill No. 3253 was advanced to second reading.
On motion of Senator Durkan, Substitute Senate Bill No. 3253 was substituted for Senate Bill No. 3253, and the substitute bill was read the second time in full.

MOTION

At 8:00 p.m., on motion of Senator Atwood, the Senate recessed until 8:30 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 8:30 p.m.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3253, by Committee on Ways and Means (originally sponsored by Senators Donohue and Odegaard):

Making an appropriation for the operation of state government.

The Senate resumed consideration of Substitute Senate Bill No. 3253 on second reading.

Senator Durkan moved adoption of the following amendment by Senators Lewis (Harry) and Durkan:

On page 10, line 3, after "Committees" insert ": PROVIDED FURTHER, That the governing body of any county, city or political subdivision of the state may permit the use by lease, contract for service, or otherwise of the facilities of any social and health care facility by any community service organization, nonprofit corporation, group or association, for the purpose of conducting a program of education, training, or other purpose, for the residents of such institutions if determined by the director to be beneficial to such residents or a portion thereof."

POINT OF INQUIRY

Senator Woody: "Would Senator Lewis yield? Senator Lewis, in terms of the words 'facilities of any social and health care facility' you mean owned by the local county, city, or political subdivision and not a state facility, isn't that correct?"

Senator Lewis (Harry): "That is correct."

Senator Woody: "And also it is not the intent by this amendment that the department, either directly or indirectly, can change an existing program or facility without legislative authority. Isn't that correct?"

Senator Lewis (Harry): "Absolutely not. No way is that intended."

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

MOTIONS

On motion of Senator Clarke, the amendments to page 16 by Senators Clarke and Jones were considered simultaneously.

Senator Clarke moved adoption of the following amendments by Senators Clarke and Jones:

On page 16, line 24, strike "\$121,477,502" and insert "\$161,477,502".

On pages 16-18, strike all of section 28.

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Woodall: "Would Senator Durkan yield? Senator Durkan, my home district of Toppenish recently turned down a special levy. Now I detect some difference between

Senator Clarke's explanation and yours. Now, would the neighboring districts which passed one get more out of this than Toppenish, which turned one down, or will Toppenish get anything? There seems to be some conflict between your and Senator Clarke's explanation."

Senator Durkan: "In the proposal which is in the bill before you, Senator Woodall, there are two parts to it. One is the part which provides twenty dollars for every full time equivalent student in the district where the levy has failed. Twenty dollars. That is Toppenish. The district next to yours which has passed the levy would get the twenty dollars plus they would get the additional amount of equalization. So if you passed your levy you would also get more. That is the proposal in the bill, if that answers your question."

POINT OF INQUIRY

Senator Canfield: "Would Senator Durkan yield? Senator Durkan, you are a pretty good lawyer, I think. I want to ask you a question on the legality of state appropriation in different amounts per pupil out of general state appropriations. Now I understand from certain court decisions that there has been quite a controversy over that very thing of inequality of educational opportunity. And do you think, or don't you think, that appropriating under the terms of this bill would be unequal support for individual students and therefore unlawful?"

Senator Durkan: "Mr. President and members of the Senate, no, I do not. I think that is no different than the actual formula which we operate under presently and that is that we weight. We give different weights as to appropriation and amounts of appropriation in terms of the formula. And what we are saying here simply is that we are making a weighted decision. It is a formula within itself, and the formula depends upon the passage of special levies or the failure of special levies, and those who pass it — they are weighted with a greater amount of appropriation. No, I see no constitutional question involved here."

Senator Canfield: "When we talk about weighted pupils, we are talking about a characteristic of the pupil. We are not talking about a tax situation in a district. I think there is a very great difference there, Senator."

Senator Durkan: "Senator, it is an arbitrary decision which the legislature has made. We have decided whether it is a characteristic of the pupil or whether it is the characteristic of the formula. And actually it is a legislative decision. And here we are saying that the legislature has decided that the weighing will be done in this manner. We use the pupil characteristic in the formula and we are using the special levy characteristic here in the bill. And so it is highly and, I think, very proper."

POINT OF INQUIRY

Senator Guess: "Will Senator Durkan yield? Senator Durkan, you have spoken of the districts which passed the special levy. You have spoken of the districts that did not pass the special levy, which voted it down. How about the district that has never floated a special levy?"

Senator Durkan: "That, Senator — there is a penalty involved in here and that is one of the things that makes this bill — this amendment and proviso — not one hundred percent fair, and that is, as Senator Canfield pointed out in committee, those school districts which do economize and try to do a good job and not pass special levies in some manner do get penalized. But nevertheless in the bill, or if you read on page 17 beginning on line 6, you can see the language . . . it answers your question as to some help that they do receive."

Senator Guess: "Thank you, Senator."

Further debate ensued.

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

Senator Washington moved adoption of the following amendment:

On page 25, line 25, insert a new section to read as follows:

"Sec. 43. Section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 48, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That Central Washington State College may expend an amount not to exceed \$125,000 to explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies [\$21,655,934] \$21,755,934

General Fund Appropriation for salary and related fringe benefit increases in addition to any other increases authorized by chapter [. . . (SB 2854)] 137, Laws of 1973, 1st ex. sess. for faculty and exempt personnel \$850,876"

PARLIAMENTARY INQUIRY

Senator Durkan: "Mr. President, can we go back on amendments if we want? I want to make an oral amendment on page 18."

REPLY BY THE PRESIDENT

The President: "Yes, Senator Durkan."
The motion by Senator Washington carried and the amendment was adopted.

MOTION

On motion of Senator Durkan, an oral amendment correcting the spelling of the word "calendar" on page 18, line 16 was adopted and the correction was made by the Secretary of the Senate.

POINT OF INQUIRY

Senator Canfield: "Senator Washington, on your figures there you have one hundred and twenty-five thousand dollars itemized but you strike out a certain figure and add on your new amount. You add on one hundred thousand but it calls for one hundred and twenty-five. Which is right?"

Senator Durkan: "I think that adds up to one hundred thousand. I think if you add twenty-one million six fifty-five and add one hundred thousand it would be twenty-one million seven fifty-five."

Senator Canfield: "That is true, but if you look above there about four lines it says 'one hundred and twenty-five thousand.'"

Senator Durkan: "'Not to exceed,' - this whole section here is language right out of the past appropriation bill, and the only change made in the previous language is the underlined material. That is old, old language. Technically it is correct. It is probably a technical question. The bill was drafted by the Ways and Means Committee, and they tell me that the way to do it was, in the last appropriations bill it read just exactly like this except there was the figure twenty-one million six hundred and fifty-five thousand nine thirty-four, and all we are doing is adding one hundred thousand to that, making no other changes in the present appropriation language."

Senator Canfield: "What do you have one hundred and twenty-five thousand up above for then?"

Senator Durkan: "I think it is merely a technical point. All we are doing is changing one figure in that particular item and the rest of it is all old language."

Senator Rasmussen moved adoption of the following amendment:

On page 2, beginning on line 16, strike all of section 7.

Re-number remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Woodall: "Would Senator von Reichbauer yield to a question? Do I understand you correctly when you say that for one hundred and ninety thousand dollars we only have one investigator and two clerks? How many people have we got on the payroll now?"

Senator von Reichbauer: "Senator Woodall, currently the commission is allocated funds for the appointment of six point four fiscal year employees in 1974 and eight point five in 1975. At the present time the commission employs four people on a full time basis; an administrator, an investigator, a secretary and a clerk. An accountant and an additional clerk are employed on a half time basis."

Senator Woodall: "What is the current salary of the administrator?"

Senator von Reichbauer: "If I can take this opportunity, Senator Woodall. . . ."

Senator Woodall: "It just seems to me that for one hundred and ninety thousand we ought to have more than six employees, is what I am getting at."

Senator von Reichbauer: "I agree. Senator Woodall, she is receiving a little over thirteen thousand dollars. I would point out, Senator Woodall, and I appreciate your question, and this is a quote from the supplemental budget, 'the unexpected volume of report forms required is resulting in substantial increases in printing and mailing costs. Original estimates were based upon printing of approximately three hundred and fifty thousand forms. The present demands have exceeded eight hundred thousand.' This is just one example of across the board low estimations by this citizen commissioner organization. They are not professional bureaucrats. They are really not professional administrators. They are citizens, and in many cases they made low projections of their own needs. And this is a good example of it."

Senator Woodall: "One more question. You say eight hundred thousand people are reporting under this system now?"

Senator von Reichbauer: "No, sir."

Senator Woodall: "You said eight hundred thousand forms? How many forms?"

Senator von Reichbauer: "They had projected three hundred and fifty thousand. So far they have had to print over eight hundred thousand forms. This includes C-1, C-2, C-3, C-4 and F-1 reports."

Senator Woodall: "Give them more money and they will figure up some more forms, too."

Further debate ensued.

POINT OF ORDER

Senator Atwood: "Senator Grant is not talking on the amendment. He is making some political commentary on the Attorney General's role in enforcing 276. The amendment before us is Senator Rasmussen's deletion of the fifty thousand dollar item, and he is not talking about that at all."

Further debate ensued.

MOTIONS

On motion of Senator Durkan, the amendment by Senator Rasmussen was laid upon the table.

Senator Atwood moved adoption of the following amendment:

Beginning on page 16, strike all of section 28 and insert:

"NEW SECTION. Sec. 28. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: This appropriation shall be distributed by the Superintendent of Public Instruction on the basis of \$30 per pupil, or as much as may be available for each FTE enrolled pupil in each district levying an excess levy for maintenance and operation purposes for 1975 collection, or in which the maximum number of elections pursuant to law have been conducted for maintenance and operation excess levies for

1975 collections; or in each district which the per pupil cost in such district, excluding transportation, is less than the state average for the preceding year \$25,000,000”

POINT OF INQUIRY

Senator Woody: “You mentioned the thirty million dollars. I am wondering which amendment we are talking about.”

Senator Atwood: “I meant twenty-five. I am sorry.”

Senator Woody: “That is the amendment that says ‘page 16, line 25?’ ”

Senator Atwood: “Twenty-five. Right. I meant thirty dollars per pupil. I did have it thirty million and I cut it back because the second half of that calendar year was a little more than we had, Senator Woody. But the forty million dollars has a nineteen million dollar add-on which you have to get if you are going to get them through that calendar year, which, I might add, if you will look at your forty million, those collections are scheduled for the whole year. Fifty-three percent of it is collected in the first half taxes. The forty-seven percent is the additional nineteen million.”

POINT OF INQUIRY

Senator Woodall: “Will Senator Durkan yield? Senator Durkan, the last time we met there were some bills put through – Senator Donohue handled most of them – borrowing out of other funds in order to have some money in the general fund. Is that true? We borrowed a lot of money out of other funds at the last time we met? Senator Donohue sponsored some measures. He said it would increase the flow in the general fund to borrow out of other funds. You remember that last time?”

Senator Durkan: “The only one I recall is the refinancing of the community college tuition bonds which gave us about twelve million more, Senator. Other than that, I do not recall any.”

Senator Woodall: “Did you not borrow out of the motor vehicle excise to put into the general funds last time?”

Senator Durkan: “There were changes in the MV fund, yes.”

Senator Woodall: “Now, what I do not understand is if we had to borrow just a few weeks back from these funds to have the general fund, how do we suddenly have this forty-one or forty-four million more dollars? Where did it come from?”

Senator Durkan: “The present increase in revenue that we have had since the last session, Senator, came from the increase in the sales tax and the increase in the business and occupation tax.”

Senator Woodall: “Now as I take it, we have already borrowed into the month of August of the next biennium, haven’t we? We have already done that?”

Senator Durkan: “We did that, I think, five years ago.”

Senator Woodall: “And so this presupposes then that the revenue take will continue as you say it is now coming in?”

Senator Durkan: “The Senate’s revenue estimates are on the bottom of the revenue projections between the Senate and the Governor and the House.”

Senator Woodall: “Then I take it you do not agree? But you do anticipate this continued increase in revenue. Is that correct?”

Senator Durkan: “We anticipate that there will be this much money available for the remainder of this biennium.”

Senator Woodall: “Then you do not agree with the Democrat Senators and Representatives who predict a Nixon depression?”

Senator Durkan: “On behalf of my client, Mr. President, I object to the question as leading.”

Debate ensued.

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

Senator Whetzel moved adoption of the following amendment by Senators Whetzel, Francis and Lewis (Harry):

On page 28, after line 3, insert a new section as follows:

“NEW SECTION. Sec. 52. FOR THE GOVERNOR – SPECIAL APPROPRIATIONS.

General Fund Appropriation: To provide effective January 1, 1975, sufficient general fund appropriations as are necessary to implement the remaining fifty percent of the salary findings for state and higher education employees as contained in the State Personnel Board and the Higher Education Personnel Board July 1972 Salary Survey as updated to July 1, 1973 and for comparable salary increases for employees of judicial and the executive agencies: PROVIDED, That the increase for classified employees under the Higher Education Personnel Board shall not be less than \$33 per month for a full time employee \$6,059,784

Special Fund Salary Increase Revolving Fund Appropriation: The State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement the remaining fifty percent, effective January 1, 1975, of the salary findings for state and higher education classified employees as contained in the State Personnel Board July 1972 Salary Survey as updated to July 1, 1973: PROVIDED, That the increase for classified employees under the Higher Education Personnel Board shall not be less than \$33 per month for a full time employee \$2,541,754

General Fund Appropriation: For a salary adjustment effective January 1, 1975 for faculty and exempt personnel of the four-year units of higher education: PROVIDED, That the amount allocated shall be sufficient to assure an average salary increase of four percent over the average salary rate in effect on December 31, 1974 \$3,418,516

General Fund Appropriation: For a salary adjustment for faculty and exempt personnel of the community colleges: PROVIDED, That the amount allocated shall be sufficient to assure an average salary increase of four percent over the average salary rate in effect December 31, 1974: PROVIDED FURTHER, That these funds be disbursed by the districts in a manner consistent with guidelines prepared by the State Board \$1,619,768

General Fund Appropriation: For a state-wide average of up to three percent salary adjustment for certificated employees of local school districts effective January 1, 1975: PROVIDED, That it is the intent of the Legislature that these funds shall be used exclusively for salary increases, exclusive of increments, for certificated employees and shall be allocated through the school apportionment formula \$7,934,331

General Fund Appropriation: For a state-wide average of up to three percent salary adjustment for classified employees of local school districts effective January 1, 1975: PROVIDED, That it is the intent of the Legislature that these funds shall be used exclusively for salary adjustment exclusive of increments, for classified employees and shall be allocated through the school apportionment formula \$2,606,640”

Renumber remaining sections consecutively.

Debate ensued.
The motion of Senator Whetzel failed and the amendment was not adopted.

MOTION

On motion of Senator Durkan, Engrossed Substitute Senate Bill No. 3253 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 Atwood: "Would Senator Durkan yield? A couple of questions just so that there is no misunderstanding in that special levy provision. My first question is, on what basis is the FTE enrolled pupil to be determined? Is it the October 8th day enrollment, or is it the fiscal year 1975 enrollment?"

Senator Durkan: "It is the fall enrollment figure, Senator."

Senator Atwood: "It is the usual?"

Senator Durkan: "Yes."

Senator Atwood: "Okay, just so that there is no misunderstanding if this thing happens to hang and stay in there. And I take it that although there is no reduction of special levies mandated in that first part, it is implied all the way through there and I take it that is the intent to the school board, that they will roll back."

Senator Durkan: "There is a trigger in there, Senator."

Senator Atwood: "Yes, that is in the second section, but not in the first."

Senator Durkan: "But as we read the trigger on the roll back it applies to both parts of the special levy proviso."

Senator Atwood: "I take it if the legislature in January does not fund that additional nineteen for the remainder of that school year, we are talking, instead of the twenty-six percent, one-half of that as far as the so-called average relief of around twelve or thirteen percent."

Senator Durkan: "That would be correct."

Senator Atwood: "Okay."

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Would Senator Atwood yield? Senator, we turned down an amendment awhile ago that Senator Whetzel spoke on. As I look through this, on page 25, I wanted to ask you about the salary increases for Western Washington, and I wonder if you could justify that?"

Senator Atwood: "That is not a salary increase. If you will look in the bill that was passed in February, the reason that is in there, that amendment had technically, to refer to section 49 of the bill that was passed in February. I questioned Ways and Means staff about that million thirty-two and if you will look in the budget that was passed, in order to get to the chapter, that is why they rewrote it into that amendment, in order to do what we wanted to do. It was also done in the Washington amendment, carrying that same increase which we did grant last February."

Senator Canfield: "Does it or does it not then give a salary increase?"

Senator Atwood: "It does not. This is just a reenactment of the same provision that passed in February."

Senator Canfield: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3253, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Beck, Canfield, Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Keele, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Talley, Van Hollebecke, von Reichbauer, Walgren, Washington, Woody--28.

Voting nay: Senators Atwood, Clarke, Donohue, Greive, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall--19.

Excused: Senators Bottiger, Stortini--2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3253, having received the consti-

tutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

April 15, 1974.

SENATE BILL NO. 2530, making certain changes in the laws relating to personalized license plates (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2530 be substituted therefor and that substitute bill do pass.

Signed by: Senators Walgren, Chairman; Beck, Jolly, Knoblauch, Peterson (Lowell), Sellar, Talley, Wanamaker, Washington, Whetzel.

Passed to Committee on Rules for second reading.

April 15, 1974.

SENATE BILL NO. 2562, making appropriations to the toll bridge authority and highway commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2562 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Beck, Jolly, Knoblauch, Peterson (Lowell), Sellar, Talley, Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

April 15, 1974.

HOUSE BILL NO. 631, authorizing the director of fisheries to manage and regulate unclassified fish, shellfish, and marine invertebrates (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules for second reading.

April 7, 1974.

ENGROSSED HOUSE BILL NO. 1208, providing for electrical contractor qualifying certificates (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Greive, Chairman; Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker.

Passed to Committee on Rules for second reading.

April 15, 1974.

HOUSE BILL NO. 1238, providing for permits for logging trucks (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Jolly, Knoblauch, Matson, Peterson (Lowell), Sellar, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 15, 1974.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29,

HOUSE BILL NO. 1316, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on Commerce (originally sponsored by Representatives Gallagher and Conner):

Providing for a state lottery.

Referred to Committee on State Government.

HOUSE BILL NO. 1316, by Representatives Newhouse, Sommers, Bagnariol and Rabel:

Prohibiting the sale and limiting the lease of university tract properties.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Durkan, the Committee on Ways and Means was relieved from further consideration of Substitute Senate Bill No. 2940.

On motion of Senator Durkan, Substitute Senate Bill No. 2940 was referred to the Committee on Natural Resources.

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

MESSAGE FROM THE GOVERNOR

GUBERNATORIAL REAPPOINTMENT

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: ROBERT THOMPSON, appointed April 6, 1973 for a term ending April 3, 1978, succeeding himself as a member of the Board of Trustees of Community College District 12, Centralia Community College.

Sincerely,

DANIEL J. EVANS

Governor.

Original appointment referred to Committee on Higher Education.

MOTION

At 10:08 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:30 p.m., Tuesday, April 16, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wash, Tuesday, April 16, 1974.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Durkan and Francis.

The Color Guard, consisting of Pages John Harvey and Lori Young, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"WE THANK YOU, HEAVENLY FATHER, ON THIS TUESDAY AFTER EASTER, THAT THERE IS STILL LIFE IN THE GOSPEL OF OUR LORD JESUS CHRIST . . . LIFE FOR EVERYONE THAT WILL BELIEVE. WE THANK YOU THAT FAITH IS GREATER THAN FEAR. GIVE US THIS DAY A NEW BAPTISM OF FAITH. FAITH IN YOU, FIRST OF ALL, THEN FAITH IN ONE ANOTHER. FAITH IN OUR ABILITY TO ACHIEVE GREAT THINGS FOR YOUR GLORY. BLESS THESE LEGISLATORS THIS DAY AS THEY PURSUE WAYS AND MEANS TO ACHIEVE THEIR GOALS AS LAWMAKERS. MAY THEY TRULY BE SERVANTS OF GOD, AND SERVANTS OF THE PEOPLE. MAY EACH ONE BE FILLED WITH VIGOR AND VITALITY FOR THE ASSIGNMENTS OF THIS DAY. QUICKEN MINDS AND BODIES BY THE POWER OF YOUR SPIRIT, LORD. WE THANK YOU NOW FOR RENEWED FAITH, FOR RENEWED STRENGTH, AND FOR YOUR POWERFUL PROMISE . . . 'I CAN DO ALL THINGS THROUGH CHRIST WHO IS STRENGTHENING ME!' WE PRAY THIS IN HIS NAME. AMEN."

MOTION

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

MOTIONS

On motion of Senator Greive, the Senate commenced consideration of Senate Resolution 1974-242.

Senator Greive moved adoption of the following resolution:

SENATE RESOLUTION 1974-242

By Senators Greive, Day, Francis, Bailey, Mardesich, Knoblauch, Connor, Jolly, Ridder, Marsh, Stortini, Grant, Fleming, Peterson (Lowell), Herr, von Reichbauer, Walgren, Washington, Dore, Bottiger, Beck, Woody, Rasmussen and Van Hollebeke:

WHEREAS, It is now clear that there will be surplus revenues for the fiscal biennium ending June 30, 1975, variously estimated to be between forty-one and one hundred and fifty million dollars; and

WHEREAS, Governor Dan Evans is proposing that the bulk of said surplus be used for salary increases for state employees, and various Senators and Representatives are proposing

alternate use of the same surplus, not for salary increases, but to reduce sales taxes on prescription drugs, reduction of property taxes and reduction of the business inventory tax, tax on liquor, etc.; and

WHEREAS, There are currently circulating rumors that the state of Washington will be faced with a dire financial emergency in 1975, and that the office of program planning and fiscal management has made projections that show it will be necessary for the state to increase the sales tax by one to two cents next biennium; and

WHEREAS, Legislative requests have been made for surveys and projections and the office of program planning and fiscal management has denied the existence of this information, but nevertheless this information is essential so that the legislature, the press, and the citizens of the state of Washington can fully evaluate the projections for the 1975-77 biennium; and

WHEREAS, The budget-making process is exceedingly complex and requires the continuing work of professional fiscal and accounting experts; and

WHEREAS, The legislature has therefore delegated to the executive branch, through the office of program planning and fiscal management, responsibilities in regard to the initial preparation of the state budget; and

WHEREAS, To appropriately and prudently account for the present surplus, to evaluate and provide for the emergency, if one exists, in the 1975-77 biennium, it is imperative that the legislature have the most accurate revenue information and projections available relating to the 1975-77 fiscal biennium; and

WHEREAS, It is appropriate and necessary that the executive branch provide the legislative branch with any available information and data regarding the budget-making process;

NOW, THEREFORE, BE IT RESOLVED, by the Senate, that all such projections be forwarded to the Governor and that the Governor present to the legislature all available information and projections concerning the revenue expectations for the 1975-1977 fiscal biennium, together with his long and short range recommendations at the earliest possible time, to permit consideration of such projections and recommendations by the forty-fourth session of the legislature.

BE IT FURTHER RESOLVED, That this resolution be transmitted to the Honorable Daniel J. Evans, Governor of the State of Washington.

Debate ensued.

MOTION

Senator Lewis (Harry) moved that Senate Resolution 1974-242 be referred to the Committee on Ways and Means.

Senator Greive demanded a roll call and the demand was sustained by Senators Day, Talley, Connor, Peterson (Lowell), Rasmussen, Sellar, von Reichbauer, Lewis (Harry) and Stortini.

The President declared the question before the Senate to be the motion by Senator Lewis (Harry) that Senate Resolution 1974-242 be referred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) failed by the following vote: Yeas, 18; nays, 28; absent or not voting, 3.

Voting yea: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—18.

Voting nay: Senators Bailey, Beck, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—28.

Absent or not voting: Senators Bottiger, Durkan, Fleming—3.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Apple Blossom Royalty from Wenatchee and appointed Senators Sellar, Matson, Odegaard, von Reichbauer, Knoblauch and Woodall as a special committee to escort the honored guests to the rostrum.

The President turned the gavel over to Senator Sellar to introduce the guests from Wenatchee, including Queen Julie Agens, Princesses Adele Fischer and Cathy Williams.

Business was suspended to permit Queen Julie Agens to address the Senate.

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

MOTION

Senator Newschwander: "Mr. President, I would like to move that the rules be suspended and this bill that I have left on your desks in regard to capital punishment be allowed to be introduced and read in."

REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "Mr. President, the reason I am using this method, this is practically the same bill that this body had before it last January and passed and it died in the House, as I remember. I have made several changes in this bill. The previous bill dealt with policemen, firemen, people in correctional institutions who were killed in the line of duty, and I have also added hijacking and kidnapping. The other change in this bill deals near the end where I have a referendum that if this is passed by the Senate and the House I would like to refer it to the people next November. So that is the reason I am taking this urgent means of getting this bill on its way so that the people of this state will have a chance to vote on it and I have every indication that it would pass very easily so I would request that this body would allow me to introduce it and have it read in today."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Mardesich: "As I recall, the question of introduction of bills is a matter of concurrent resolution with the House. My recollection is also that it takes two-thirds to suspend that rule -- of both bodies, that is. And so I question the procedure and the number of votes it would take to accomplish this and all I would like is a ruling on that matter so it might give us direction in the future should this thing in case arise."

Further debate ensued.

MOTION

On motion of Senator Lewis (Harry), the motion by Senator Newschwander was made a special order of business for 1:30 p.m., Wednesday, April 17, 1974.

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

REPORTS OF STANDING COMMITTEES

April 16, 1974.

SENATE BILL NO. 2318, requiring the regional plans and programs of regional planning commissions to conform to those of counties and municipalities within the region, to the extent the commission's positions cannot be justified to the county or municipality (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2318 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch.

Passed to Committee on Rules for second reading.

April 16, 1974.

SENATE BILL NO. 2940, limiting commercial salmon licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: That Third Substitute Senate Bill No. 2940 be substituted therefor and the third substitute bill do pass.

Signed by: Senators Peterson (Lowell), Chairman; Lewis (Harry), Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules for second reading.

April 16, 1974.

SENATE BILL NO. 3028, changing certain hearing requirements regarding franchises along public highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Beck, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 16, 1974.

SENATE BILL NO. 3194, providing for increases in police and firemen's pensions (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3194 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Dore, Lewis (Harry), Mardesich, Marsh, Peterson (Ted), Sandison, Woody.

Passed to Committee on Rules for second reading.

April 15, 1974.

SENATE BILL NO. 3200, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3200 be substituted therefor and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Bottiger, Murray, Odegaard, Peterson (Ted).

Passed to Committee on Rules for second reading.

April 16, 1974.

SENATE BILL NO. 3274, relating to fire districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

April 16, 1974.

SENATE BILL NO. 3283, authorizing property tax exemptions and rental support programs for elderly, poor, and infirm persons (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3283 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Canfield, Dore, Grant, Lewis (Harry), Mardesich, Marsh, Peterson (Ted), Sandison, Woody.

Passed to Committee on Rules for second reading.

April 16, 1974.

SENATE JOINT RESOLUTION NO. 106, providing for the retirement of judges at age

of seventy and setting limitations on the number of years one can hold elective office (reported by Committee on Constitution and Elections):

WITHOUT recommendation.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, Washington.

Passed to Committee on Rules for second reading.

April 16, 1974.

HOUSE BILL NO. 799, providing that county may let contract up to \$3,000 without bid (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Jolly, Lewis (R. H. "Bob"), Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

April 16, 1974.

ENGROSSED HOUSE BILL NO. 1147, changing the population requirements for a full time justice of the peace (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Atwood, Clarke, Marsh, Twigg, Van Hollebeke, Woodall.

Passed to Committee on Rules for second reading.

April 16, 1974.

HOUSE BILL NO. 1276, defining exempted transactions under the consumer protection act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Atwood, Bottiger, Clarke, Marsh, Twigg, Woodall.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 16, 1974.

JACK BERRY, to the position of member of the Board of Prison Terms and Parole, appointed by the Governor on May 31, 1972 for the term ending May 15, 1977, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

CHARLES MORRIS, to the position of Secretary of the Department of Social and Health Services, appointed by the Governor on October 25, 1973 for the term ending at the pleasure of the Governor, succeeding Sidney Smith (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

DON L. BELL, to the position of member of the Washington State Aeronautics Commission, appointed by the Governor on July 1, 1973 for the term ending December 31, 1977, succeeding Ben de St. Croix (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Wanamaker, Whetzel.

Passed to Committee on Rules.

April 16, 1974.

MATTHEW J. HAYES, M.D., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1975 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

MERLIN TRAYLOR, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

JOHN PHILBIN, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

MISS ANNA MAE ERICKSON, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1974 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

WILLIAM J. HENRY, M.D., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

RANCE FREEMAN, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1974 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

PETER T. BROOKS, M.D., to the position of member of the Emergency Medical

Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

JAY M. KRANZ, M.D., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1975 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

ZOE B. LUCKE, R.N., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

HOWARD SORENSON, to the position of member of the Washington State Highway Commission, appointed by the Governor on August 1, 1973 for the term ending July 1, 1978, succeeding Mrs. Lorna Ream (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Sellar, Wanamaker, Whetzel.

Passed to Committee on Rules.

February 16, 1974.

MRS. VIRGINIA GUNBY, to the position of member of the Washington State Highway Commission, appointed by the Governor on July 1, 1973 for the term ending July 1, 1979, succeeding John Rupp (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Sellar, Wanamaker, Whetzel.

Passed to Committee on Rules.

April 16, 1974.

MRS. J. D. OSBORNE, to the position of member of the Washington State Board of Pharmacy, appointed by the Governor on August 17, 1973 for the term ending January 18, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

EDRYN H. JONES, to the position of member of the Washington State Board of

Pharmacy, appointed by the Governor on August 15, 1973 for the term ending January 18, 1977, succeeding Claude Edgren (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

TED TANIGUCHI, to the position of member of the Washington State Board of Pharmacy, appointed by the Governor on August 15, 1973 for the term ending January 18, 1975 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

MRS. MARY ELLEN McCAFFREE, to the position of member of the Washington State Pollution Control Hearings Board, appointed by the Governor on August 28, 1973 for the term ending July 1, 1974, succeeding James T. Sheehy (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Clarke, Connor, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules.

April 16, 1974.

H. H. HOWELL, to the position of member of the Washington State Aeronautics Commission, appointed by the Governor on November 15, 1973 for the term ending December 31, 1974, succeeding John Long (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Sellar, Wanamaker, Whetzel.

Passed to Committee on Rules.

April 5, 1974.

LOUIS SORIANO, to the position of member of the Washington State Board for Community College Education, appointed by the Governor on June 4, 1973 for the term ending April 3, 1978, succeeding L. Evert Landon (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
JOHN S. LARSEN, appointed March 20, 1974 for a term ending at the Governor's

pleasure, succeeding Daniel B. Ward as Director of the Department of Commerce and Economic Development.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
DR. BRUCE CRASWELL, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District No. 3, Olympic Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
RAMON J. GOULD, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District No. 5, Everett-Edmonds Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
MARVIN E. GLASS, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District No. 6, Seattle Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
ROBERT G. LEONARD, appointed April 4, 1974 for a term ending April 3, 1979,

succeeding himself as a member of the Board of Trustees of Community College District No. 7, Shoreline Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
MS. DELORES TEUTSCH, appointed April 8, 1974 for a term ending April 3, 1979, succeeding Bob Gardner as a member of the Board of Trustees of Community College District No. 8, Bellevue Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
EDWARD LePENSKE, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District No. 9, Highline Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
MS. CHARLOTTE CHALKER, appointed April 4, 1974 for a term ending April 3, 1979, succeeding herself as a member of the Board of Trustees of Community College District No. 11, Fort Steilacoom Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
DR. WILLIAM H. LAWRENCE, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District No. 12, Centralia Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

MESSAGE FROM THE GOVERNOR
VETO OF SENATE BILL NO. 3039

February 16, 1974.

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

LADY AND GENTLEMEN:

I am returning herewith without my approval SENATE BILL NO. 3039, entitled:
"AN ACT Relating to parks and state lands."

Senate Bill No. 3039 provides for the extension of existing leases of transmitter sites for KVOS-TV on Mt. Constitution and KXLY-TV on Mt. Spokane. Both of these areas are within state parks.

On May 8, 1972 after appropriate public hearings, the State Parks and Recreation Commission adopted a policy regarding non-park structures within state park boundaries. The policy states in part:

"The Commission is firmly opposed to the placement on park lands of any facilities which will adversely affect public recreation or despoil the natural environment. Public recreational needs and park values are paramount to any other use. Conflicting uses shall be considered only when public welfare, safety, or necessity clearly requires the use of the site when no suitable alternative site exists.

When non-park structures are permitted on parks they shall be designed, built, and maintained with the least possible intrusion on park values, and made to serve public recreational needs whenever possible.

Users of such non-park facilities shall be required to combine and to share buildings and antenna-supporting towers where feasible. Outstanding leases notwithstanding, all users and lessees shall be expected to cooperate with any proposal of the Commission to combine into a structure or structures suitable for joint use."

In compliance with this policy the Commission has determined the necessity for KXLY-TV to remain on Mt. Spokane. The new lease agreement between the Commission and KXLY-TV is scheduled to be signed in March 1974. In compliance with the same policy, the Commission has determined not to renew the KVOS-TV lease on Mt. Constitution but has extended the existing lease to August 11, 1975, because of the delay involved during the negotiations and final Commission decision.

In the case of KXLY-TV the Commission has found that necessity exists. A lease will be signed in March and the issue shortly will be moot. In the case of KVOS-TV an alternate site exists and is readily available. I believe the policy of the Commission relative to non-park facilities on park lands is appropriate and was properly exercised in relation to KVOS-TV and Mt. Constitution.

I further believe that the determination of this policy and its implementation should properly remain with the Commission, which was previously granted this authority by the Legislature.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Knoblauch moved that the Senate pass Senate Bill No. 3039 notwithstanding the Governor's veto.

Debate ensued.

MOTION

Senator Murray moved that the Senate hold further consideration of Senate Bill No. 3039 and the Governor's veto thereto until the appropriate order of business on Wednesday, April 17, 1974.

Debate ensued.

MOTION

Senator Peterson (Lowell) moved that the motion by Senator Murray be laid upon the table.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Van Hollebeke: "We have a motion on the floor and a motion to table. Is it correct that a motion to table is not debatable?"

POINT OF ORDER

Senator Woodall: "My point of order is that the good Senator Peterson made quite a prolonged speech before he made his motion."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "But he did finally make the motion to table, as I understood it. Is that correct, Mr. President, or wrong?"

REPLY BY THE PRESIDENT

The President: "Senator Van Hollebeke, the President believes that Senator Peterson, who is very well advised on the parliamentary rules of the Senate — only in essence moved that the motion be tabled. Therefore, the question before the Senate is the motion presented by Senator Murray."

MOTION

Senator Van Hollebeke: "I will then move to table the motion."

REPLY BY THE PRESIDENT

The President: "Someone could raise the point, Senator, that your motion is not in order because. . ."

PARLIAMENTARY INQUIRY

Senator Whetzel: "Under Article II, Section 30 of the Constitution says that a member who has a private interest in a bill shall disclose the fact to the house of which he is a member and not vote thereon. I wish to disclose the fact that I am a stockholder in a broadcasting company which is a competitor of one or two stations that may be involved in this particular legislation and I do not intend to vote thereon. My inquiry to you is, normally when the matter comes up for final passage it does not matter whether the member who is not voting is present or not and customarily we leave the floor. In this case, in the override of a veto, it requires a two-thirds vote of those members present. What do I do? I think it makes a difference whether it requires thirty-two or thirty-three votes to override, whether I stay here or leave the floor and I want to do the thing that would be considered fair and appropriate and not prejudice one side or the other."

REPLY BY THE PRESIDENT

The President: "The President should suggest, Senator, that perhaps you should let your conscience be your guide. But the President would interpret 'presence' as being those voting, two-thirds of those voting."

MOTION

Senator Francis moved that the motion by Senator Murray be made a special order of business for 4:00 p.m. today.

Debate ensued.

The motion by Senator Francis carried on a rising vote.

MOTION

On motion of Senator Scott, Senator Murray was excused.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Day, the appointment of ARTHUR S. BIDDLE, M.D. as a member of the Hospital Commission was confirmed.

APPOINTMENT OF ARTHUR S. BIDDLE, M.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Bottiger, Durkan, Fleming, Mardesich-4.

Excused: Senator Murray-1.

MOTION

On motion of Senator Day, the appointment of JON GALT BOWMAN as a member of the Hospital Commission was confirmed.

APPOINTMENT OF JON GALT BOWMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent or not voting, 9; excused, 1.

Voting yea: Senators Atwood, Beck, Canfield, Clarke, Day, Donohue, Dore, Durkan, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-39.

Absent or not voting: Senators Bailey, Bottiger, Connor, Fleming, Grant, Lewis (Harry), Mardesich, Metcalf, Talley-9.

Excused: Senator Murray-1.

MOTION

On motion of Senator Sandison, the appointment of ROBERT W. STRAUZ as a member of the Board of Regents for Washington State University was confirmed.

APPOINTMENT OF ROBERT W. STRAUZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Day, Donohue, Dore,

Durkan, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Bottiger, Connor, Fleming, Grant-4.

Excused: Senator Murray-1.

MOTION

On motion of Senator Sandison, the appointment of DR. ROBERT GIBB as a member of the Board of Regents for Washington State University was confirmed.

APPOINTMENT OF DR. ROBERT GIBB

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Dore, Durkan, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Bottiger, Donohue, Grant, Sellar-4.

Excused: Senator Murray-1.

MOTION

On motion of Senator Sandison, Senator Woody was excused.

MOTION

On motion of Senator Sandison, the appointment of HAROLD A. ROMBERG as a member of the Board of Regents for Washington State University was confirmed.

APPOINTMENT OF HAROLD A. ROMBERG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall-43.

Absent or not voting: Senators Fleming, Francis, Grant, Peterson (Ted), Sellar-5.

Excused: Senator Woody-1.

MOTION

On motion of Senator Sandison, the appointment of RICHARD P. WOLLENBERG as a member of the Council on Higher education was confirmed.

APPOINTMENT OF RICHARD P. WOLLENBERG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting 8; excused, 1.

Voting yea: Senators Atwood, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis

(Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall—40.

Absent or not voting: Senators Bailey, Fleming, Francis, Grant, Matson, Peterson (Ted), Sellar, Wanamaker—8.

Excused: Senator Woody—1.

MOTION

On motion of Senator Sandison, the appointment of MRS. RUTH SHEPHERD as a member of the Council on Higher Education was confirmed.

APPOINTMENT OF MRS. RUTH SHEPHERD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woodall—41.

Absent or not voting: Senators Bottiger, Lewis (Harry), Matson, Peterson (Lowell), Peterson (Ted), Sellar, Wanamaker—7.

Excused: Senator Woody—1.

MOTION

On motion of Senator Sandison, the appointment of NORWARD BROOKS as a Commissioner of the Department of Employment Security was confirmed.

APPOINTMENT OF NORWARD BROOKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—43.

Absent or not voting: Senators Bottiger, Fleming, Lewis (Harry), Sellar, Talley—5.

Excused: Senator Woody—1.

MOTION

On motion of Senator Day, the appointment of JOHN W. COLBY as a member of the Hospital Commission was confirmed.

APPOINTMENT OF JOHN W. COLBY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—43.

Absent or not voting: Senators Fleming, Lewis (Harry), Peterson (Lowell), Scott, Talley—5.

Excused: Senator Woody—1.

MOTION

On motion of Senator Sandison, the appointment of MRS. WILLIAM H. COWLES, III as a member of the Council on Higher Education was confirmed.

APPOINTMENT OF MRS. WILLIAM H. COWLES, III

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 8; excused, 1.

Voting yea: Senators Atwood, Beck, Canfield, Clarke, Connor, Day, Dore, Durkan, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—40.

Absent or not voting: Senators Bailey, Bottiger, Donohue, Fleming, Francis, Grant, Lewis (Harry), Peterson (Lowell)—8.

Excused: Senator Woody—1.

MOTION

On motion of Senator Sandison, the appointment of MRS. HELEN THOMPSON as a member of the Council on Higher Education was confirmed.

APPOINTMENT OF MRS. HELEN THOMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—44.

Absent or not voting: Senators Bottiger, Fleming, Newschwander, Peterson (Lowell)—4.

Excused: Senator Woody—1.

PERSONAL PRIVILEGE

Senator von Reichbauer: "Mr. President and members of the Senate, last night, late last night while we were discussing the budget, discussing an issue that was highly emotional to me because I have experienced it for three months, I made a remark which I wish to apologize to the Senator in question, Senator Mardesich, and also to the Chamber for my action, and I do apologize."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, accepted but not really needed, Pete. Thank you."

MOTION

On motion of Senator Mardesich, the Senate immediately commenced consideration of Senate Bill No. 3143.

SECOND READING

SENATE BILL NO. 3143, by Senators Day and Donohue:
Extending the authority of hospital districts.

REPORT OF STANDING COMMITTEE

April 7, 1974.

SENATE BILL NO. 3143, extending the authority of hospital districts (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20, section 1, after "persons" and before the period insert "*PROVIDED, That hospital districts will not construct nursing homes when such facilities are already available*".

On page 2, line 15, after "any" strike all the material down through the colon on line 18 and insert "[hospital clinic or sanatorium operated as a charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization:] *health care facility*".

On page 3, line 15, after "*facilities*" insert "*, subject, however, to the applicable limitations provided in subsection (2)*".

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Francis, Jones, Ridder, von Reichbauer.

The bill was read the second time by sections.

There being no objection, on motion of Senator Day, the committee amendments were adopted simultaneously.

POINT OF INQUIRY

Senator Whetzel: "I notice that this permits the public hospital districts to establish physicians' clinics and offices. My question is, if those were established by the hospital districts, would those not go off the tax rolls?"

Senator Day: "The answer to that question is that those have to be contiguous with or within such facility or hospital. So they are not going to be just anywhere. They could construct a facility adjacent to the hospital for purposes of the hospital district."

Senator Whetzel: "They would go off the tax rolls in that limited situation?"

Senator Day: "That is correct."

Senator Whetzel: "That was my concern but you feel that that would be only a narrow exemption, because they would have to be contiguous with and within facilities or hospitals and you would not have a small hospital with a large medical clinic?"

Senator Day: "No, that is not the intent. The intent would be that facilities for purposes of doctors' offices be within the clinic or immediately contiguous to said clinic for purposes of implementing the center as a health care center."

Senator Whetzel: "These clinics and offices would be solely for the physician's use in connection with a hospital and would not be for their general practice otherwise?"

Senator Day: "Well, no. I think that they would be used as offices are but they would have to be directly in conjunction, contiguous with the facility. That is my understanding."

Senator Whetzel: "Let me ask you, if I put up an amendment to strike the physicians' clinics and offices from this so that they would have to be owned privately and not by the hospital districts, would that present a serious impediment. . . .?"

Senator Day: "Perfectly all right with me."

On motion of Senator Whetzel, the following amendments were adopted:

On page 1, line 16, strike "*physicians' clinics and offices*".

On page 6, beginning on line 22, after "*facilities*" strike all the material down to the period on line 23 and insert "[, and physicians' clinics and offices contiguous with or within such facilities or hospitals]".

POINT OF INQUIRY

Senator Canfield: "Would Senator Day yield? Senator, we have not caucused on this and I do not know exactly what it includes, but as I read your analysis here it includes everything in the way of health care."

Senator Day: "Just about, as it pertains to public hospital districts."

Senator Canfield: "Yes, but it also includes the outpatient care and extended care and physicians' clinics."

Senator Day: "We just struck those clinics."

Senator Canfield: "Rehabilitative facilities and health maintenance. I do not find anything in there that it leaves out. It is a complete comprehensive health program, isn't it?"

Senator Day: "What it will be is a base, as drafted, for public health districts, public hospital districts rather, to expand into a health care facility such as Group Health of King County. That is exactly the purpose of the bill."

Senator Canfield: "Is this a group health. . . ."

Senator Day: "I understand they are in favor of the bill."

Senator Canfield: "Is it analogous to the Group Health plan? Is it the same thing essentially?"

Senator Day: "It could be implemented to be such upon the election of the public hospital district."

Senator Canfield: "This you referred to though as privately paid. In this case it is publicly."

Senator Day: "No, the only thing that would be publicly paid here would be the facility."

Senator Canfield: "I know some people belong to the health clinic. What do you call it? Group Health?"

Senator Day: "Group Health of King County."

Senator Canfield: "And the remarks have been very favorable for the service rendered but as I understand it, it is paid for by private fees by the members of the Group Health. They pay for the cost of it. Now in this case I am concerned because this appears to be at public cost, a complete comprehensive health care and maintenance program at public expense."

Senator Day: "Just as in the formation of the hospital district, I think that what they do is form a district for the support of the facility, but that does not mean the people going into a hospital district hospital do not have to pay a bill. I think that they do, and I. . . ."

Senator Canfield: "Do you have a fiscal note on it?"

Senator Day: "There would not be any fiscal note attached to this. It would be done within the hospital district. It would have to be passed, possibly by a special bond issue to construct the hospital, and then if they were going to do anything relative to maintenance and operation they would have to have a special levy to do that, be voted on by the people within the district, the same as any other local entity."

Debate ensued.

MOTION

On motion of Senator Mardesich, further consideration of Senate Bill No. 3143, as amended, was made a special order of business immediately following caucus today.

SPECIAL ORDER OF BUSINESS

The President declared the question before the Senate to be the motion by Senator Murray that further consideration of overriding the Governor's veto of Senate Bill No. 3039 be under the proper order of business on Wednesday, April 17, 1974.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Durkan: "Has Senator Murray withdrawn his motion?"

REPLY BY THE PRESIDENT

The President: "Not as yet, Senator Durkan."

There being no objection, the motion by Senator Murray was withdrawn.

The President declared the question before the Senate to be the motion by Senator Knoblauch that the Senate override the Governor's veto of Senate Bill No. 3039.

The President declared a vote "yea" will override the Governor's veto and a vote "nay" will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3039, notwithstanding the Governor's veto, and the vote was as follows: Yeas, 37; nays, 8; absent or not voting, 4.

Voting yea: Senators Beck, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Woodall, Woody—37.

Voting nay: Senators Bailey, Bottiger, Canfield, Durkan, Greive, Sellar, von Reichbauer, Washington—8.

Absent or not voting: Senators Atwood, Lewis (Harry), Mardesich, Whetzel—4.

SENATE BILL NO. 3039, having received the constitutional two-thirds majority, was declared passed notwithstanding the Governor's veto. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:50 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 5:15 p.m.

SPECIAL ORDER OF BUSINESS
SECOND READING

SENATE BILL NO. 3143, by Senators Day and Donohue:
Extending the authority of hospital districts.

The time having arrived, the Senate resumed consideration of Senate Bill No. 3143 as amended earlier today by the committee amendments and by Senator Whetzel.

On motion of Senator Day, Engrossed Senate Bill No. 3143 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3143, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 5.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall—42.

Voting nay: Senators Grant, Lewis (Harry)—2.

Absent or not voting: Senators Dore, Durkan, Greive, Whetzel, Woody—5.

ENGROSSED 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.

MOTION

On motion of Senator Donohue, Engrossed Senate Bill No. 3143 was ordered immediately transmitted to the House.

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

REPORTS OF STANDING COMMITTEES

April 16, 1974.

SENATE BILL NO. 3042, enacting a state labor-management relations act (reported by Committee on Labor):

MAJORITY recommendation: That Second Substitute Senate Bill No. 3042 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

Passed to Committee on Rules for second reading.

April 16, 1974.

SENATE BILL NO. 3307, permitting department of labor and industries to insure employers against liability arising under longshoremen's and harbor workers' act (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Grant, Jones, Matson, Ridder, Sellar, Woody.

Passed to Committee on Rules for second reading.

April 16, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, providing for an educational employment relations act (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 16, 1974.

HALVOR HALVORSON, to the position of member of the Board of Trustees of The Evergreen State College, appointed by the Governor on March 15, 1973 for the term ending March 15, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Guess, Marsh, Metcalf, Scott.

Passed to Committee on Rules.

MOTION

At 5:22 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:30 p.m., Wednesday, April 17, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FOURTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wash., Wednesday, April 17, 1974.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Durkan.

The Color Guard, consisting of Pages John Harvey and Lori Young, presented the Colors. Reverend Robert M. Keller, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the following prayer:

"FATHER, THIS DAY IS A NEW DAY. A DAY OF OPPORTUNITY FOR EACH OF US, YOUR CHILDREN. A DAY IN WHICH WE CAN FIND GOODNESS OR CREATE SADNESS. SO OPEN OUR LIVES TO YOUR LOVE THAT THIS DAY MAY BE FILLED WITH POSITIVE, CREATIVE, FULFILLING, MEANINGFUL AND HELPFUL EXPERIENCES. HELP US TO SEE THAT OF THE FEW DAYS ALLOTTED TO US THIS IS TOO GOOD A DAY TO LET GO BY - TO SPOIL OR TO WASTE. WE PRAY THIS KNOWING CHRIST'S, OUR LORD'S, LOVE AND IN HIS NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 17, 1974.

SENATE BILL NO. 3196, providing, upon request, for audits by state auditor of certain school or community college districts contemplating reductions in force due to economic reasons (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 3196 be substituted therefor and the substitute bill do pass.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Odegaard, Peterson, (Ted).

Passed to Committee on Rules for second reading.

April 16, 1974.

ENGROSSED HOUSE BILL NO. 582, providing for the study and preservation of wild, scenic and recreational rivers (reported by Committee on Ecology):

Recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

April 17, 1974.

HOUSE BILL NO. 1133, prohibiting discrimination against licensed health professionals employed by or associated with health care service organizations (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Greive, Jones, Murray, Ridder.

Passed to Committee on Rules for second reading.

April 17, 1974.

ENGROSSED HOUSE BILL NO. 1292, abolishing war veterans' funds when no obligations remain payable therefrom (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Mardesich, Marsh, Metcalf, Peterson, (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

April 17, 1974.

ENGROSSED HOUSE BILL NO. 1363, providing for public employment retirement (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Mardesich, Marsh, Metcalf, Peterson, (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 16, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3384, by Committee on Transportation and Utilities (endorsed by Senators Beck, Walgren, Jolly, Whetzel, Wanamaker, Sellar, Knoblauch, Keefe, Matson, Talley, Washington, Bottiger, Stortini and Peterson (Lowell):

An Act relating to energy consuming utilities; and adding a new chapter to Title 39 RCW.

Referred to Committee on Rules.

SENATE BILL NO. 3385, by Senators Newschwander, Rasmussen, Walgren, Metcalf and Stortini:

Imposing a mandatory death penalty for first degree murder and kidnapping.

An Act relating to crimes and punishments; amending section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030; amending section 13, page 78, Laws of 1854 as last amended by section 141, chapter 249, Laws of 1909 and RCW 9.48.040; amending section 14, page 78, Laws of 1854 as last amended by section 142, chapter 249, Laws of 1909 and RCW 9.48.050; amending section 16, page 78, Laws of 1854 as last amended by section 2, chapter 49, Laws of 1970 1st ex. sess. and RCW 9.48.060; amending section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010 amending section 2, chapter 133, Laws of 1955 and RCW 9.95.010; amending section 5, chapter 133, Laws of 1955 as amended by section 2, chapter 138, Laws of 1961 and RCW 9.95.040; amending section 1, chapter 239, Laws of 1951 and RCW 9.95.055; amending section 58, chapter 249, Laws of 1909 and RCW 10.19.010; amending section 87, page 115, Laws of 1854 as last amended by section 1062, Code of 1881 and RCW 10.49.010; adding a new section to chapter 249, Laws of 1909 and chapter 9.48 RCW; providing for the submission of this act to the people; and prescribing penalties.

Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 154, by Senator Newschwander:

Requesting that SCR No. 147 be suspended for the purpose of introducing a bill relating to capital punishment.

MOTIONS

On motion of Senator Newschwander, Senate Concurrent Resolution No. 154 was advanced to second reading and read the second time in full.

On motion of Senator Newschwander, Senate Concurrent Resolution No. 154 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 154 and the resolution passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 5.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Greive, Guess, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Voting nay: Senators Fleming, Grant—2.

Absent or not voting: Senators Henry, Jones, Lewis (Harry), Murray, Twigg—5.

SENATE CONCURRENT RESOLUTION NO. 154 having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Newschwander, Senate Concurrent Resolution No. 154 was ordered immediately transmitted to the House.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, by Committee on Ways and Means (originally sponsored by Representatives Sommers, Shipoch, Perry, Erickson, Bender and Blair):

Making revision to the timber taxation laws.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Atwood, Senator Twigg was excused.

PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, a presentation was scheduled for one thirty this afternoon but due to the press of business we were unable to accomplish it at that time. The President respectfully requests at this time, with your permission, that a presentation be made to two honored members of the Senate and two very esteemed members of the House. So with your indulgence, the President would like to respectfully request of Senator Atwood, Senator Harry Lewis, Senator Bailey and Senator Mardesich that you please escort the Honorable Martin J. Durkan, the Honorable Pete Francis, the Honorable Bud Shipoch, and the Honorable John Bagnariol to a position upon the rostrum."

PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate and most esteemed members of the House; ladies and gentlemen, it is with great pride and pleasure that the President presents a very charming and lovely friend of some time, Ms. Barbara Pattison, who is National Board Member of the Association for Children With Learning Disabilities and is also vice president of the Washington State Association. Barbara."

REMARKS BY BARBARA PATTISON

Ms. Pattison: "I would like to thank you all for letting me have this privilege today. The National does not usually honor a state and they have honored the State of Washington for the outstanding efforts that you have all done for education, particularly in the field of learning disabilities. I would like to make these presentations from the National Board of the Association for Children With Learning Disabilities to these gentlemen. This is really a tribute to all of you, however. Senator Martin J. Durkan, Senator Pete Francis, Representative John Bagnariol, Representative Bud Shinpoch. This is for the work they have done for such a long, long time and have put up with me for such a long, long time."

(Ms. Pattison presented Certificates to the honored members)

PRESIDENT'S PRIVILEGE

The President: "Representative Bagnariol and Representative Shinpoch, you are cordially invited to remain for a moment, as we are going to present a former illustrious member of the House to the members of the Senate and to the ladies and gentlemen present in the gallery. We hope that your schedule will permit you to stay for a moment."

PRESIDENT'S PRIVILEGE

The President: "It is with a great deal of pride that the President is able to announce the presence in the Senate Chamber today of one of the most highly respected and capable legislators, who served for a number of years in the House of Representatives . . . the Honorable Julia Butler Hansen. The President at this time should like to request of Senator Washington, Senator Woodall, Senator Talley, Senator Canfield, Senator Henry and Senator Guess, to act as a committee of honor to escort our esteemed visitor to a position upon the rostrum."

PRESIDENT'S PRIVILEGE

The President: "Inasmuch as the members of the escort committee are long time friends of our very welcome guest, won't you please join us on the rostrum?"

"Julia, every member of the Senate and all of the ladies and gentlemen present are here because you are here, and we are certainly very, very happy that you took time to be with us today. We wanted to pay tribute to a great lady and I cannot think of anybody better than this first team that we have up here, and we will have a real heavyweight start off, Al Henry. He will be the leadoff hitter here; okay? Fine."

REMARKS BY SENATOR HENRY

Senator Henry: "To our friends in the galleries and the members of the Senate, my association with this fine lady goes back many years. I recall one incident very clearly that when we had the first joint interim committee on highways, streets and bridges I said I would like to get on it. She says, 'There is only room for one in our particular area. Do you want me to get off?' And that sort of ended the conversation. But it is a real privilege to be here with Julia again today. Thank you, Governor."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "It is a real pleasure for me to be here on the podium with you, Julia. I think I look back many years ago, after a few years I used to say how long I had been in the legislature. Now in my campaign literature I do not say how long I have been. But back in those days one of the best pieces of advice I ever got was from Julia. It is, when you start a bill, don't put the appropriation on the bill when you first put it in. You put it in and get it passed and then later on try to get the money for it. It is one of the best lessons I ever got and that has been one of the rules I have followed ever since. Thank you, Julia."

REMARKS BY SENATOR GUESS

Senator Guess: "Julia, I remember one time coming to Washington and I wanted to take you to lunch. We could not quite agree upon where we were going to go and so we decided, as we walked across from the Capitol over to the hotel, that we would go in the main dining room of the hotel. Julia had a real smile on her face and those eyes were twinkling and as we were walking down the corridor all of a sudden she reached behind me and opened the door that was on the side—it did not have any name on it—and she led me into this room right quick. I found myself in the Democratic National Committee dining room. She thought it was a great joke and we had a real good visit, and it is delightful to have you back in the state with us. Thank you."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Mr. President and Congressman Hansen, I have the distinction, if it be one and she does not object to my stating this, of being the only one here who first came to Olympia the first year she came. I guess now that you are retiring I can tell them the session. It was the 1939 session, so you are looking at two old veterans. One thing I learned from Julia was this, that if you want a road through, you handle the chairman of that particular committee with due care."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "I think Senator Woodall made on little misstatement. I would not refer to Julia Butler Hansen as old. She is experienced. You are not old until you are worn out. When I came to the House in 1953 I happened to hold down the dubious honor of seat number ninety-eight, which was the lowest on the totem pole. And Julia Hansen at that time was a power in the front row. She was at the time the chairman of the highway—what did they call it then, Highways Committee? Roads and Bridges. Well anyway, we all admired Julia Butler Hansen and I want to tell you why. Not only because she was a charming woman and is still so, but because she was extremely effective and, I might add, she feared no man nor beast. She established a record for courage and effectiveness which has seldom been equaled."

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President and members of the Senate, I first met Julia Butler Hansen when she was a member of the House in 1946 and I watched her grow from a very powerful member of the House to one of the most distinguished members of the national House of Representatives. Washington State has been most fortunate in having Julia as a member of Congress. She is known nationwide as one of the outstanding ladies in America. No one has said anything about Julia's retiring. It is most difficult to make a decision to retire but the time comes when you want to have some time to yourself. And good old Julia. She has not forgotten that she is from a little town named Cathlamet, and she wants to go home. She wants to do some writing and some visiting. And I was very pleased, Julia, when I heard that you were smart enough to want to retire, to go home and to enjoy yourself. And so may I, as a member in behalf of the members of the Senate, Julia, thank you for a job well done. One of the finest women in America, and to wish you a most happy retirement."

PRESIDENT'S PRIVILEGE

The President: "Julia, I am sure that you are aware that this genuine outpouring of affection and respect for you is a true indication of what the members of the Senate think of you. You are truly a legend in your own time, and that is something that very, very few people achieve in their lifetimes. I have been told that all work and no plagiarism make a dull speech, and that is why the President often likes to quote Walter Hagen: 'It is so wonderful to have you here to smell the flowers while still around to enjoy them.' And now, with your permission, we should like to ask . . ."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, all the kind words that have been said about Julia, I can agree with. Even the time that her bridge sunk she still had kind words for the rest of us poor legislators who tried to help hold that bridge up, and I do not know whether she assumed that we were doing right in holding the bridge up. However, there is one thing that she did, keep many House members alive. And I can well remember the time when they covered the clocks. We were down here at five dollars a day for the sixty-day session, a total of three hundred dollars, and the session was running seventy days and everybody was low on money and, lo and behold, one day we walked into the Roads and Bridges Committee room and here the table was loaded with food. And Julia saved the legislature. They had the strength then to go on and adjourn shortly afterwards. But one of the things that I think Julia should be complimented on probably is that now that she has decided to let go of the reins, that she has suggested a new driver to take her place. And let nobody forget, Julia was a driver. And when she suggested that possibly Senator Bob Bailey would be the best driver to drive the affairs of the Third District, I think she made a wise choice and she should be complimented. She is continuing to serve her district and the State of Washington. Thank you very much, Julia."

PRESIDENT'S PRIVILEGE

The President: "Julia, what we are trying to say is what over two hundred million Americans would like to say to you. So won't you please come up and say a few words to us? Thank you."

REMARKS BY THE HONORABLE JULIA BUTLER HANSEN

Julia Butler Hansen: "Governor Cherberg and all my very distinguished former colleagues from the House, and that includes you, Slim, and the distinguished Senators, may I say that words can't begin to express my appreciation for your thoughtfulness and your courtesy and your kindness in doing this today. I seldom come back to the legislature of Washington. Congress is busy and we do not have the opportunities to get around when you are in session as much as we would like to. But it is a joy to be here today. But may I say the greatest joy through all the years has been working with all of you. There have been some times, and Brother Rasmussen always remembers the unpleasant ones. You want me to dig up some about you, Slim? Used car bills and so on. The bodies were buried and they were buried all around. But it has been a joy, each one of you. I have particularly enjoyed and appreciated having Senator Bailey on my staff and I certainly want you to know that it is a joy to support him to take my place.

"And may I say, about retirement, don't feel sorry for me about retiring. You know, several of the men came to Mrs. Griffiths and Mrs. Green and myself and asked why we three women were quitting. They did not ask the other two. They asked me to explain. Well, I said, I will tell you something. Women have the good sense to know when to go home and men never do. That is the reason we are going and some of the old goats are staying. And then the Chairman of the Appropriations Committee couldn't understand why I was quitting. He said it was a sheer disaster. And I said, 'Well, George, I was there at Clarence Cannon's funeral and I just do not want to be in the same kind of a box.' And this is a story I think you might all enjoy because you have all been to these legislative funerals

or congressional funerals. The members of the Appropriations Committee all flew out on Air Force II. We were confined to II, to this town down in Missouri; it is on the riverbanks of the Mississippi. And just as the funeral was about to start, who joins the entire aggregation of congressmen and a couple of stray senators, but Lyndon Johnson, who was the new President of the United States. This was May, 1964. So Lyndon did not like funerals and he did not particularly, I guess, like to fly, and he just about had enough. So after the funeral was over, he gathered all the subcommittee chairmen, the Potentates—I was a new member of the committee at that time—all the potentates of the committee into Air Force I for the flight back to Washington. And the only people left to escort Mr. Cannon's coffin around the cemetery were the new members, and I said, 'Clarence Cannon would have died and turned over again if he had seen the junior members whom he did not even want on the committee having to be the ones to escort him.' So I just told George, I said, 'I am just saving you the embarrassment of having to go to my funeral in such circumstances.' And I just prefer to go home on two feet.

"But may I say I am going to continue as a citizen of the state of Washington and I have the same number of votes as anybody else, that is one. I hope the guy downstairs knows that too. I wore my Symbionese dress today. I thought it might be appropriate. But it has been fun, all the years in public office have been fun. Even the city council when you couldn't suit anybody. And the House of Representatives when there were just four women of us. And there were four over here. And then, of course, it became an Elk's Club. And I am delighted to see a woman over here, Senator Ridder. My congratulations and my best wishes, and may you someday serve in the United States Senate."

Senator Ridder: "I won't try for that."

Julia Butler Hansen: "Don't say that."

"But thank you all for the graciousness and the kindness and even you, Slim, for the roadblocks. But I really appreciate today, and, Governor Cherberg did a very thoughtful, generous thing. And, Al, you got on the interim committee even if I did not get off that first time. And Perry, you remember the night you picked up the paper and said, 'Oh, I have got the wrong script.'? And Damon, such a gracious tribute. And my friend Nat, who served on the Highways Committee in the House with me and then came over here to be chairman. And Sam, and I did think it was great for Sam, a Mississippian, to go to the Democratic Club where he belongs anyway. I do not know what on earth a Mississippian was doing in the Republican Party. I never could figure that out. I guess he just figured he wanted to get elected and it was a Republican district.

"Now I have talked much too long and probably been much too lively for the Senate atmosphere. But you must forgive me because I never was a Senator so I just did not have the opportunity to ever get pompous or stuffy."

PRESIDENT'S PRIVILEGE

The President: "I was sure that your practiced eye led you to see so many good friends here from all walks of life, the staff and visitors, friends, relatives, and you know something, the House has sent a posse over here, headed by that strong arm, Ray Olson, the sergeant at arms and all the pretty girl members over there. They want to capture you, but we had hoped that you would be able to spend a few minutes in the office to greet some of your close friends, and we would like to invite all friends of Julia to come back.

"Everybody here thinks you are better than Bob Hope, Dean Martin, Johnny Carson, and all those stuffy people."

A bouquet of red roses was presented to Congresswoman Hansen by Senator Ruth Ridder.

The special committee escorted the honored guest from the Senate Chamber.

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 15, 1974.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADY AND GENTLEMEN:

I am returning herewith without my approval ENGROSSED SENATE BILL NO. 3023 entitled:

“AN ACT Relating to irrigation.”

This bill exempts from the requirement of RCW 43.21C.030 relating to the filing of environmental impact statements those decisions pertaining to certain applications for irrigation waters of fifty cubic feet per second or less, an amount which would be sufficient to irrigate up to 3,000 and 4,000 acres of farm land.

The bill represents the first time the Legislature has provided a direct exemption to the environmental impact statement requirement of the State Environmental Policy Act of 1971. I do not believe the exemption can be justified in light of the scope of the irrigation project involved.

I further do not believe that the problems caused by the State Environmental Policy Act should be remedied by the Legislature on a piecemeal basis. At the outset of the Third Extraordinary Session of the Legislature, I submitted by Executive Request concurrently in the House and Senate, House Bill 1545 and Senate Bill 3310 providing for revisions in the State Environmental Policy Act which would alleviate some of the unwarranted difficulties caused by the act by simplifying some of the procedural requirements for proposals which do not have a substantial impact on the environment. I believe the Legislature should enact this proposal or a similar proposal which would equitably address the problems of all concerned while retaining the integrity of the State Environmental Policy Act.

For the foregoing reasons, I have determined to veto Engrossed Senate Bill No. 3023.

Respectfully submitted,

DANIEL J. EVANS
Governor.

MOTION

Senator Jolly moved that the Senate pass Engrossed Senate Bill No. 3023 notwithstanding the Governor's veto.

Debate ensued.

MOTION

On motion of Senator Grant, Senator Francis was excused.

The President declared the question before the Senate to be the motion by Senator Jolly that Engrossed Senate Bill No. 3023 pass the Senate notwithstanding the Governor's veto. The President declared a vote “yea” will override the Governor's veto and a vote “nay” will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3023, notwithstanding the Governor's veto, and the vote was as follows: Yeas, 37; nays, 9; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Clarke, Connor, Day, Donohue, Dore, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Newschwander, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woodall, Woody—37.

Voting nay: Senators Canfield, Durkan, Greive, Jones, Metcalf, Peterson (Ted), Scott, Washington, Whetzel—9.

Absent or not voting: Senators Fleming, Murray—2.

Excused: Senator Francis—1.

ENGROSSED SENATE BILL NO. 3023 having received the constitutional two-thirds majority, notwithstanding the Governor's veto, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

April 17, 1974.

SENATE BILL NO. 3062, authorizing the sale and redemption of general obligation bonds for the construction and furnishing of higher education buildings and facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Dore, Fleming, Grant, Lewis (Harry), Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules for second reading.

April 17, 1974.

SECOND SUBSTITUTE HOUSE BILL NO. 14, regulating the practice of acupuncture (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Connor, Francis, Greive, Jones, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

April 17, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, providing for a state lottery (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

April 17, 1974.

SUBSTITUTE HOUSE BILL NO. 1049, requiring minimum standards for self-insurers with regard to industrial insurance to be set by the director of labor and industries (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Jones, Matson, Sellar.

Passed to Committee on Rules for second reading.

April 17, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093, providing fees for professional licenses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Greive, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 17, 1974.

Mrs. Edith Kogenhop, to the position of Member of the State Personnel Board appointed by the Governor on February 14, 1974 for the term ending January 4, 1977, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Mardesich yield to a question? Senator Mardesich, I note we have other gubernatorial appointments to handle and other bills on the calendar. Are we going to try to complete our calendar tomorrow? We are in a mini-session situation. I was wondering, do we have pressing committee meetings now that we have to go to or what is the purpose in adjourning and not finishing our work?"

Senator Mardesich: "We plan to have a Democratic caucus for the rest of the afternoon and I assume that there are some important matters that you wish to consider, also, matters residing in Rules, including the timber tax and a few items like that, and we wish to spend some time discussing those items, and would offer to you the same opportunity. We do not want to keep you here too late every night."

Senator Lewis (Harry): "Thank you, Senator."

REMARKS BY SENATOR WALGREN

Senator Walgren: "I just wanted to respond to Senator Lewis also that I wanted to talk to some of the members of the Transportation Committee with regard to that problem involving Evergreen State College, that perimeter road problem."

MOTION

At 2:55 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:30 p.m., Thursday, April 18, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wash., Thursday, April 18, 1974.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Dore, Greive, Murray and Twigg. There being no objection, Senator Greive was excused.

The Color Guard, consisting of Pages Bob Brennan and Nancy Weber, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"HEARER OF PRAYER, TO THEE ALL FLESH SHALL COME NOT ONLY TO OUR FALTERING CRIES GIVE HEED, REGARD THE GRIEFS OF THOSE WHOSE LIPS ARE DUMB, THE UTTER NEED OF THOSE WHO FEEL NO NEED.

"OUR FATHER GOD, WE THANK YOU FOR THAT PLACE OF QUIET REST NEAR TO YOUR HEART. QUIET OUR RESTLESS SPIRITS. CALM OUR TROUBLED HEARTS. BRING PEACE TO OUR LIVES IN THE MIDST OF CONFUSION AND STRUGGLE. MAKE US ALWAYS AWARE OF YOUR PRESENCE, YOUR NEARNESS, SO THAT NOTHING CAN SHAKE US. WE LIFT OUR HEARTS IN PRAYER THIS AFTERNOON FOR ALL IN AUTHORITY; FOR OUR NATIONAL LEADERS; FOR REPRESENTATIVES AT THE UNITED NATIONS AND IN FOREIGN LANDS; AND IN STATE, COUNTY AND CITY GOVERNMENT.

"WE INVOKE YOUR SPECIAL BLESSING UPON OUR LIEUTENANT GOVERNOR AND STATE SENATORS THIS DAY. KEEP THEIR VISION CLEAR, THEIR INSIGHT TRUE, THEIR ACTIONS JUST AND DEFINITE. USE THEM AS INSTRUMENTS TO FURTHER YOUR WAYS. FOR YOUR LOVE'S SAKE, WE ASK IT. AMEN."

MOTION

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

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Of course, I hope that our introduction today of our distinguished guests will not be like the introduction I received down in Senator Talley's district. My first association with the guard, and I still have not my records straightened out, was when I lied about my age and joined the old 41st Division tank company in Centralia when later the Adjutant General Lilburn Stevens was a staff sergeant there. However, in 1948 during the flood, I was a major on Adjutant General Llewellyn's staff and we had a few problems down with Vanport and Longview, Woodland, down that way. And I was a guest of the senior McClelland, the owner of the Longview Daily News, at a Kiwanis luncheon and as he introduced me, being a great needler and being a member of the opposite party, he said, 'Major Henry was at Woodland when the dike broke, he was at Camas when the dikes broke, he was at Puget Island when the dikes broke, now he is here to see what he can do to help us.' Fortunately, the town of Longview did not go under.

"And it is a pleasure again to see that emblem of the eagle on the shoulder there that we affectionately called the 'blue beak eagle' many years ago.

"Colonel Pennington of Edmonds had a very distinguished record. He was in the famous 248th Coast Artillery and built some of our bases in the Aleutian Islands and in Dutch Harbor. I remember a little bit about some of those things up there because the regular army, with its customary efficiency, trained the boys in Alabama and sent them to Kiska and Attu and around in low shoes and summer underwear. But anyway, that was another story.

"Colonel Pennington has been very instrumental in helping to reactivate the Washington State Guard in 1959, and even though we are paying tribute to the one individual today, I think it is only fair, and very appropriate, that we pay tribute to the guardsmen who serve without pay in the State Guard. In times of war and emergencies they are not necessarily the heroes out with the tanks and the jet planes but they are around to help protect your homes. When we first got into this war, our northwest defense consisted of a few World War I destroyers and less than half a dozen bombers, and as you know, they trained with brooms and stovepipes in lieu of cannon and few other things, and the activation of the National Guard and the State Guard after World War II into the fine, efficient organization it is now, of course, came because we did have access to a lot of government materials. At that time Ensley Llewellyn made it very clear that he was going to get all of it he could, and I think we got our share. I think at this time that we are very sorry to lose, I must say, we are very sorry to lose Colonel Pennington. I am sure that he is going to be around for a long time and will help us, those of us who are still interested in Guard and Guard legislation, in trying to keep this fine organization alive, with his knowledge, his wisdom and his advice. At this time I would again ask the Lieutenant Governor to come forward. He has a presentation."

PRESIDENT'S PRIVILEGE

The President: "Thank you very much, Senator Henry. Prior to making the presentation, the President should like to present General Buchanan, who is Assistant Adjutant General of the Washington State National Guard. And General McGee, our own Adjutant General of the Washington State National Guard; former classmate of the President at the University of Washington, who is a little camera shy, General McKay, who is the Commanding General of the Washington State National Guard. Senator Henry has so capably described the career of Colonel Pennington.

Colonel Pennington, in behalf of the members of the Washington State Senate, in fact, and of the National Guard and of all the citizens of our state, I hope that you will accept this certificate as a Washington State Brigadier General. The Washington Generals are an up and coming organization. Every member of the Senate is also a Brigadier General, so you are joining an illustrious group, and may the members of the Senate and I wish you many, many years of happy retirement. And with your youthful appearance you should last a long, long time."

REMARKS BY COLONEL PENNINGTON

Colonel Pennington: "I am not going to say many words because I have not had lunch yet and I do not want to get into coffee break here because I do not want you to get in trouble with your union.

"Mr. President, General McGee, General Buchanan, Senator Henry, thank you very much. During the depression I used to come over here to get in out of the cold, and we used to watch the show and Vic Meyers putting on his very commendable act, and we did not feel bad, because some of the legislators at that time were here for the same purpose. Thank you very much."

PRESIDENT'S PRIVILEGE

The President: "Colonel, the members of the Senate and the President are very happy that you are here. We enjoyed your remarks and are very grateful to you for not trying to negotiate a labor act for the National Guard."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the second reading calendar for today.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sandison, the appointment of ROBERT B. THOMPSON as a member of the Board of Trustees of Centralia College was confirmed.

APPOINTMENT OF ROBERT B. THOMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Durkan, Fleming, Grant, Murray, Twigg—5.

Excused: Senator Greive—1.

MOTION

On motion of Senator Atwood, Senators Murray and Twigg were excused.

MOTION

On motion of Senator Sandison, the appointment of HARRIS "BRICK" JOHNSON as a member of the Board of Trustees of Community College District No. 1 was confirmed.

APPOINTMENT OF HARRIS "BRICK" JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 6; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Day, Donohue, Dore, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall—40.

Absent or not voting: Senators Bottiger, Connor, Durkan, Fleming, Lewis (Harry), Woody—6.

Excused: Senators Greive, Murray, Twigg—3.

MOTION

On motion of Senator Sandison, the appointment of DR. WILLIAM J. MCKINNEY as a member of the Board of Trustees of Community College District No. 2 was confirmed.

APPOINTMENT OF DR. WILLIAM J. MCKINNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis

(R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-42.

Absent or not voting: Senators Connor, Jones, Lewis (Harry), Sellar-4.

Excused: Senators Greive, Murray, Twigg-3.

MOTION

Senator Sandison moved adoption of the following resolution:

SENATE RESOLUTION 1974-248

By Senators Sandison, Marsh, Whetzel and Francis:

WHEREAS, The Washington State Law Against Discrimination (Chapter 49.60 RCW) was first enacted in 1949 and has since been amended many times without comprehensive review of the integrity of the act; and

WHEREAS, The act has been greatly expanded from its original thrust concerning employment and race; and

WHEREAS, Changing social mores have prompted most of the amendments to the act; and

WHEREAS, Due to an unexpected literal interpretation of a recent amendment, the Legislature found it necessary to enact Senate Bill No. 3382 to clarify legislative intent;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Judiciary Committee be requested to undertake a comprehensive review of the Law Against Discrimination (Chapter 49.60 RCW) to ensure the current appropriateness and compatibility of all sections therein; and

BE IT FURTHER RESOLVED, That the Human Rights Commission, the Washington State Women's Council, the Attorney General's Office are requested to participate in this study, and other organizations are to be offered the opportunity to contribute to the study; and

BE IT FURTHER RESOLVED, That the Judiciary Committee be requested to report their conclusions to the Senate Rules Committee not later than December 1, 1974.

POINT OF INQUIRY

Senator Canfield: "Will Senator Sandison yield to a question? Senator, in line 9, the first word is 'amendment,' it reads 'literal interpretation of a recent amendment.' Does that mean the amendment to the State Constitution?"

Senator Sandison: "Yes, that is an amendment to the State Constitution and probably the language should be above this."

Senator Canfield: "Mr. President, we are talking, are we not, about the equal rights amendment?"

Senator Sandison: "No, we are talking about a bill that arose out of that."

Senator Canfield: "All right. Thank you."

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

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

SECOND READING

SENATE BILL NO. 3382, by Committee on Higher Education (endorsed by Senators Sandison, Guess, Marsh, Scott, Donohue and Durkan):

Making certain changes in the laws relating to discrimination.

The bill was read the second time by sections.

Senator Sandison moved adoption of the following amendment by Senators Sandison, Guess, Marsh, Scott, Donohue and Francis:

On page 2, line 20 after "(a)" strike all of the material down through line 9 on page 3,

and insert *"To limit residential use of a building or facility or portion thereof to persons of one sex where the purpose of such limitation is to provide privacy in the performance of intimate bodily functions or where the ability to move about freely in a disrobed or partially disrobed condition within the building, facility or portion thereof would or might be inhibited were the building, facility or portion thereof in use in common by both sexes, or where the purpose is to preserve the person or persons of one or the other of the sexes from possible physical molestation or where the purpose is to promote health or safety of persons of either or both sexes.*

(b) For any public or private school or institution of higher education to separate the sexes or give preference to or limit use of dormitories, residence halls or other student housing to persons of one sex or to make distinctions on the basis of marital or family status in dormitories, residence halls or other student housing."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Sandison yield to a question? As I understand it now, you are going to limit the residential use of a building or facility. What type of a building is it going to be?"

Senator Sandison: "A public type of accommodation. We are speaking here of YWCA's, YMCA's, college dormitories, church camps, youth camps, and this type of thing."

Senator Rasmussen: "Is that spelled out?"

Senator Sandison: "Yes. At the present time, Senator Rasmussen, there have been two cases involving YWCA's where men have come in there and demanded to live there. Under the law and the interpretation of it by an Assistant Attorney General, they felt that under a literal interpretation the YWCA had to offer accommodations to these people because it would be a discriminatory act if they did not. This removes that problem of discrimination. Now the Human Rights Commission can say that, 'No, this is not a discriminatory act,' and that we can tell men that they cannot live at the YWCA and, conversely, women at the YMCA."

Senator Rasmussen: "Senator Sandison, it is my understanding that the Human Rights Commission has never particularly paid any attention to the law. That they make their own law, and in fact, that their main principal purpose in life has been to declare the laws that we have made discriminatory and therefore of no effect. So what is this law going to do? They can also declare this law is discriminatory."

Senator Sandison: "The Human Rights Commission has given the stamp of approval to this amendatory language and to the bill."

Senator Rasmussen: "Have you had the approval of the ACLU also?"

Senator Sandison: "No, I haven't checked with them yet."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Metcalf: "This amendment says, and I suppose I am directing a question to Senator Sandison or anyone else that cares to answer, that the purpose of this limitation is to provide privacy in the performance of intimate bodily functions or where the ability to move about freely in a disrobed or partly disrobed condition within the building facility, and what we are saying now by this amendment is to say that members of one sex may move around freely in this condition, but we are saying that we will prohibit members of the other sex from doing that. In other words, we are going to allow individuals of one sex but not the other sex there. And we just passed an amendment to the State Constitution to specifically prohibit the state from discriminating on the basis of sex. This just flies, totally flies in the face of the equal rights amendment which we just passed. And I have seen the Attorney General's opinion relative to this, but it is clear to me that this is exactly the kind of thing that many of us said would happen if we wrote into the Constitution that the state may not limit rights and responsibility on the basis of sex. And so to get around a bad constitutional amendment, apparently we are passing an unconstitutional bill."

Senator Washington: "Mr. President and members of the Senate, in answer to Senator

Metcalf, this would be an unconstitutional bill if we limited it to one sex or the other. If you said that men cannot live in the YMCA and then conversely would allow women, say, to live in the YMCA, then you would have a discrimination. But when you make limitations that are applicable equally to both, then there is no discrimination between the sexes. And that is what this bill does. It rests equally upon the male sex and equally upon the female sex. For that reason it does not violate the constitutional amendment which we passed."

Senator Metcalf: "Very clearly, Senator Washington, that is lawyer talk to get around a difficult position. If you are saying that women may live in the building but a man cannot, that is discrimination on the basis of sex and all of the evasory words do not change that. I am for the concept of the bill. I am for what you are trying to do. I told you a couple of years ago what this kind of problem would come up if you were talking about that thing into the Constitution and now it has come up, and I have had comments that, 'Well, we know it is unconstitutional but this will delay the problem for a year.' And that is clearly what we are doing. We are just trying to delay the problem for a year and maybe we can settle it then. But frankly, if we adopt this language, the first person that takes it to court will win. And there is just no question about it. We are discriminating on the basis of sex, and the Constitution says we cannot do that."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, begging Senator Atwood's pardon, I would like to ask the chairman of the Judiciary Committee, Senator Francis, a question. Senator Francis, as I read this amendment, it is either 'partially disrobed' or 'fully' or whatever you want to do. It is my understanding, Senator Francis, there are instances where there are a large number of elderly people that are drawing social security and, for reasons of our inadequate social security laws, if they get married they will lose their pension. And it is my opinion that this amendment would at that time make this illegal again. This is one of the things, of course, that the ACLU and the rest of the Human Rights people, and it is true what I said, Senator Sandison, they take the process of declaring our laws discriminatory and of no effect, and as what Senator Metcalf has said, the Constitution is the main distinction. Is it constitutional or is it not? Now under the constitutional amendment that was adopted, equal rights, they had the perfect right to live together if they wanted. They are opposite sexes, or both sexes, same sex, could live together. This in effect is coming right back and saying that they cannot do this, and putting all those old laws back in effect. Is this right or wrong? In my opinion it is wrong to deprive these people on social security the right to live together even though not married. Thank you, Senator Francis."

Senator Francis: "Senator Rasmussen, I share your concern and the way I read this thing, it does not do as I think the bill would have done, that is, it does not prevent that. You have to remember that we are writing a law. Every time we write a law it has to apply to everyone across the board. Now I think this law would do this, if someone, say an elderly lady, wished to rent a room in her house, this bill would allow her to limit that rental to someone of her own sex, if she so preferred, and if she felt that her privacy demanded that, so that it would apply in that respect. Now if two people decided, if one person owned a house and someone else wanted to live with them, obviously there is no public accommodations law problem. It does not affect them. So the only way it could hurt the people that you are talking about would be if two people of the opposite sex wanted to go down and rent a place from a third party, I think that this would allow that third party to say, 'No, I do not want you to move in this kind of a situation where this, in effect, will invade my right to privacy.' So that is the kind of situation I think it speaks to. You have to look at the exact language of the bill, think in terms of the situation it would apply to, and I think in most cases it would not adversely affect the people that you are trying to help."

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

Senator Talley moved adoption of the following amendment:

On page 3, add a new subsection to read as follows:

"(c) For any public or private institution, corporation, organization, partnership or

individual to refuse to rent for joint occupancy any premises to persons of the opposite sex who are not married to each other."

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Francis yield to a question? I have the same problem, Senator Greive, and therefore I am asking: Senator Francis, would you please tell me what you understand the effect of this amendment to be and then maybe I can ask a question after that. I am not sure what your interpretation is and I could use a little help."

Senator Francis: "Senator Van Hollebeke, I understand that this amendment would not affect, one way or another, the person who is in the situation Senator Greive is describing. Present law allows landlords, any person renting premises, to make a decision on the basis of whether or not he thinks his rent is going to get paid. He can always discriminate on the basis of the individual's record for payment of bills and on whether or not he is satisfied as to that person's financial ability and reliability to keep the premises in good shape and so forth. We simply have a statute that sets forth certain things that you cannot cross the board say in every case, just because of that, you can deny them the right to rent premises. And one of those is marital status. Now I think that this amendment proposed by Senator Talley would simply say that you do have an absolute right, across the board, without regard to any of those other questions, to simply say that no one can move in someone of the opposite sex without the benefit of clergy. And that is what this says, pure and simple. That is for corporations, individuals, institutions and so forth."

Senator Van Hollebeke: "Okay. Now what would it do, for instance, as you read it, if my seventy-eight year old aunt wants to rent a place and have, say, an eighteen year old college student living with her, somebody she just decides to take under her wing, we will say. What do you think this bill, if this amendment were to be in there, would do to that situation?"

Senator Francis: "All right. This amendment would place that decision in the hands of her landlord rather than letting it be her decision."

Senator Van Hollebeke: "I do not understand you."

Senator Francis: "This amendment would allow her landlord to say, 'No, you cannot do that' it would also, in the same situation Senator Rasmussen described. If two elderly people wanted to live together and they happened to be of the same sex, the landlord would make that decision for them. They could not make their own because this law would allow the landlord to discriminate on that basis. That is what this proposed amendment by Senator Talley would do."

Senator Van Hollebeke: "I have been searching for a way to make that kind of thing legal, you know, to make it perfectly permissible for people to cohabitate under what is normally considered a legitimate circumstances and still not reduce the rights of the landlord to select his own tenants under reasonable guidelines."

Senator Francis: "Senator Van Hollebeke, I have many landlord clients. I explain to them on a frequent basis that they have a right to select their tenants on the basis of legitimate economic concern but not on the basis of an across the board moral decision on behalf of their tenants. And obviously if somebody is going to move in there and they think they are going to tear the place up, they do not have to move them in. But if they do it because they do not like their relationship, then that is not a legitimate reason. Now I think what you are getting at is something where you would want an age limit and I do not think that would be a very good social policy."

Senator Van Hollebeke: "Well, I am concerned about more than that. I would like to see the statute read that you can tell somebody that they cannot live under the roof you are providing for under circumstances ordinarily considered immoral. I would like it to read that way and I am not sure what the effect of this amendment is."

Senator Francis: "I think the amendment would certainly give the landlord the right to make that decision for them."

Further debate ensued.

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

Senator Atwood moved adoption of the following amendment:

On page 3 after line 9 add a new section as follows:

“*NEW SECTION.* Sec. 3. If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.”

MOTION

On motion of Senator Greive, Senate Bill No. 3382, as amended, was made a special order of business for 3:00 p.m. today.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Don Moseid, basketball coach at Tacoma Community College and Maynard Brown, outstanding player of that team and appointed Senators Stortini, Beck, Keefe, Metcalf and Newschwander as a special committee to escort the honored guests to a place on the rostrum.

MOTION

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

SENATE RESOLUTION 1974-247

By Senators Stortini, Bottiger, Newschwander, Knoblauch, Beck and Rasmussen:

WHEREAS, The worth of amateur competition in sports was demonstrated again last month with the fine first place victory of the Tacoma Community College Titans in the community college conference tournament held in Walla Walla; and

WHEREAS, The Titans' record of twenty-three wins and six losses is not only the best record of any college or university in the Northwest, but would be an enviable record for any basketball five in the nation; and

WHEREAS, The Titans' record the past five years has been one-hundred and sixteen wins and twenty-nine losses, which includes the community college league championship the past three years; and

WHEREAS, Don Moseid, coach at Tacoma Community College for these past seven years, while directing the Titans into a tournament berth each of those years, for the second time realizes a championship team therein; Don, always an excellent strategist and stickler for his players' knowing basic fundamentals of the game, excels in a more important quality, that of inspiring each individual player to do his very best in each game;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate, that we do congratulate the Tacoma Community College Titans, their coach, Don Moseid; that we do hereby recognize this team personifies the best in amateur basketball competition with its excellent all-around team balance and a team attitude which personifies the best in sports competitiveness; and not least, that we from other areas of this state do concede that Tacoma area basketball in quality is at present the envy of other areas of the state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare and send copies of this resolution to every member of the team, their coach, Don Moseid, and to the President of Tacoma Community College.

With permission of the Senate, business was suspended to permit Coach Don Moseid and Player Maynard Brown to address the Senate.

The special committee escorted the guests from the Senate Chamber and the committee was discharged.

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

SECOND READING

SENATE BILL NO. 3169, by Senator Walgren:

Defining crimes relating to telephone and telegraph services.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 3169 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3169 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Connor, Talley—2.

Excused: Senator Murray—1.

SENATE BILL NO. 3169 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Donohue, Senator Durkan was excused.

SECOND READING

SENATE BILL NO. 3277, by Senators Washington and Murray:
Providing for the state environmental policy.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 3277 was substituted for Senate Bill No. 3277 and the substitute bill was placed on second reading and read the second time in full.

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

On page 9, line 8, after "The" strike "office of community development" and insert "department of ecology".

On motion of Senator Washington, Engrossed Substitute Senate Bill No. 3277 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3277 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Atwood, Newschwander, Stortini—3.

Excused: Senators Durkan, Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3277, having received the 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 Greive, Senate Bill No. 3382, as amended, and previously made a special order of business by Senator Greive at 3:00 p.m. was ordered to be a special order of business following consideration of Senate Bill No. 3380.

At 3:00 p.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 4:30 p.m.

MOTION

On motion of Senator Clarke, Senator Jones was excused.

SECOND READING

SENATE BILL NO. 3380, by Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Ridder, Connor, Jones, Clarke, Murray, von Reichbauer and Francis):

Relating to health care services, enabling the hospital commission to undertake a state cost containment control program in lieu of a federal control program as authorized under federal law and regulation.

The bill was read the second time by sections.

On motion of Senator Woody, Senate Bill No. 3380 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: "Would Senator Day yield? Senator Day, does this enable the state hospital commission to set the rates of the private hospitals in the state of Washington?"

Senator Day: "They already have the right to review those rates. What this will allow them to do, Senator, is instead of HEW with their commission doing the rate adjustment and/or fixing, it will allow them to do it in lieu thereof. In other words, when the federal is controlling, this will allow the state commission to be the agency for the state of Washington, rather than HEW."

Senator Guess: "Is this a monopolistic system that could be established in the state of Washington in opposition to the free enterprise system that we have had in hospitals in eastern Washington?"

Senator Day: "No. We have already established the hospital rates commission."

Senator Guess: "They only review, they do not set."

Senator Day: "But then along comes the federal government and they now have the authority to, in fact with price controls which were extended and so forth, they did this. This will allow our state commission to act in lieu of the federal government."

Debate ensued.

POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Day yield further? You use the word 'supersede', Senator, and then the word 'containment' is in there. I would interpret it as though the federal government had laid down the guidelines already as to what they would do, but if they did not spell them out completely, then we could go ahead in this containment act, so-called, and prepare, not our own rates, but prepare everything up to that point; because I think we would be controlled, wouldn't we, on the actual per day cost, hospital cost?"

Senator Day: "What this actually does is it extends the authority of the hospital commission to include coordination of state actions relative to the efforts of the Cost of Living Council as authorized by the federal Economic Stabilization Act, and in so doing, allows our hospitals in this state to deal with a state agency instead of the federal government. And so I think that Senator Guess has just got the reverse on this. It changes

from mandatory to permissive the hospital commission's making of rate setting recommendation. So it makes it permissive for them to make rate setting recommendation and allows the commission to assume administration of the state program in lieu of the federal administration. That is exactly what we are intending to do here and that is what this extension does."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3380 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senators Jones, Murray—2.

SENATE BILL NO. 3380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 3382, by Committee on Higher Education (endorsed by Senators Sandison, Guess, Marsh, Scott, Donohue and Durkan):

Making certain changes in the laws relating to discrimination.

The time having arrived, the Senate resumed consideration of Senate Bill No. 3382, as amended earlier today. An amendment by Senator Atwood adding a new section which had been moved for adoption when the bill was previously under consideration today, was adopted.

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

On page 3 add a new subsection as follows:

"(c) To refuse to rent residential property to anyone where there is reasonable ground to believe that the person or persons who would occupy the property might damage the property beyond reasonable wear and tear without adequate resources to compensate the owner for damages."

Senator Lewis (R. H. "Bob") moved adoption of the following amendment:

On page 3, add a new subsection as follows:

"(c) For athletic leagues which promote interest in athletics and athletic prowess of a single sex to function for the exclusive use of persons of that single sex."

Debate ensued.

POINT OF ORDER

Senator Sandison: "I may be wrong but it appears to me that this section is dealing with discrimination in housing, and I do not think that the amendment is within the scope of the bill."

REMARKS BY SENATOR (R. H. "BOB") LEWIS

Senator Lewis (R. H. "Bob"): "May I say that housing is involved when we do travel with the teams to various towns. And I may have in my charge a group of nine, twelve or whatever number of team members I take, and while on an overnight trip to an invitational tournament, housing is involved and I would like for them to be able to be of a single sex so that I do not get into the problem."

REMARKS BY THE PRESIDENT

The President: "Senator Sandison, members of the Senate, Senator Sandison has raised a very interesting and fascinating point of order. The President believes that such an important point should be deliberated a great deal more than time presents."

MOTION

On motion of Senator Greive, Senate Bill No. 3382, as amended, together with the amendment proposed by Senator Lewis (R. H. "Bob"), the point of order as raised by Senator Sandison on that amendment and a ruling by the President on the point of order, was made a special order as the first order of business for Friday, April 19, 1974.

SECOND READING

HOUSE BILL NO. 1183, by Representatives Parker, Polk and Adams:
Making certain changes in the laws relating to emergency services.
President Pro Tempore Henry assumed the Chair.

REPORT OF STANDING COMMITTEE

April 15, 1974

HOUSE BILL NO. 1183, making certain changes in the laws relating to emergency services (reported by Committee on Social and Health Services):

MAJORITY recommendation with the following amendments:

On page 14, section 11, line 14 after "unassisted" and before the period insert "*and in furtherance thereof the following interstate civil defense and disaster compact is hereby approved, ratified, adopted, entered into, and enacted by the state of Washington:*

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including;

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof: PROVIDED, That it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests: PROVIDED, That any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost: PROVIDED FURTHER, That any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of persons who are lost, marooned, or otherwise in danger.
2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.
3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.
4. The giving and receiving of aid by subdivisions of party States.

5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby."

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Jones, Ridder, Twigg.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

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

On page 3, line 1 of the title, after "RCW 38.52.007" and before the period insert "and enacting the interstate civil defense and disaster compact".

On motion of Senator Day, House Bill No. 1183, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1183, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Francis, Matson, Rasmussen—3.

Excused: Senators Durkan, Jones, Murray—3.

HOUSE BILL NO. 1183, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3383, by Committee on Higher Education (endorsed by Senators Sandison, Guess, Scott, Metcalf, Donohue and Marsh):

Resolving present conflicts within higher education code resulting from simultaneous but conflicting legislative action.

The bill was read the second time by sections.

On motion of Senator Sandison, Senate Bill No. 3383 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3383, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar,

Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Atwood, Connor, Francis—3.

Excused: Senators Jones, Murray—2.

SENATE BILL NO. 3383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2156, by Senators Francis, Murray, Grant, Ridder and Woody (by Attorney General request):

Providing that limitations on implied warranties shall be of no effect regarding consumer goods.

REPORT OF STANDING COMMITTEE

April 5, 1974.

SENATE BILL NO. 2156, providing that limitations on implied warranties shall be of no effect regarding consumer goods (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after the enacting clause, strike the remainder of the bill and insert the following:

"Section 1. Section 2-316, chapter 157, Laws of 1965 ex. sess. as amended by section 1, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-316 are each amended to read as follows:

(1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or limit warranty shall be construed wherever reasonable as consistent with each other; but subject to the provisions of this Article on parol or extrinsic evidence (RCW 62A.2-202) negation or limitation is inoperative to the extent that such construction is unreasonable.

(2) Subject to subsection (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states, for example, that "There are no warranties which extend beyond the description on the face hereof."

(3) Notwithstanding subsection (2)

(a) unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) an implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section and the provisions of [section 2 of this 1974 amendatory act] *RCW 62A.2-719, as now or hereafter amended*, in any case where goods are purchased or leased primarily for personal, family or household use [or] *and not* for commercial or business use, disclaimers of the warranty of merchantability or fitness for particular purpose shall not be effective to limit the liability of merchant sellers [or lessors or manufacturers] except insofar as the disclaimer sets forth with particularity the qualities and characteristics which are not being warranted. Remedies for breach of warranty can be limited in accordance with the provisions of this Article on liquidation or limitation of damages and on contractual modification of remedy (RCW 62A.2-718 and RCW 62A.2-719).

Sec. 2. Section 2-719, chapter 157, Laws of 1965 ex. sess. as amended by section 2, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-719 are each amended to read as follows:

(1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of non-conforming goods or parts; and

(b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this Title.

(3) Limitation of consequential damages for injury to the person in the case of goods purchased [or leased] primarily for personal, family or household use or of any services related thereto is invalid unless it is proved that the limitation is not unconscionable. Limitation of remedy to repair or replacement of defective parts or nonconforming goods is invalid in sales [or leases] of goods primarily for personal, family or household use unless the manufacturer or seller maintains or provides within this state facilities adequate to provide reasonable and expeditious performance of repair or replacement obligations.

Limitation of other consequential damages is valid unless it is established that the limitation is unconscionable.

NEW SECTION. Sec. 3. There is added to Title 63 RCW a new section to read as follows:

In any lease or rental agreement for the lease of movable personal property for use primarily in this state (other than a lease under which the lessee is authorized to use such property at no charge), if the rental or other consideration paid or payable thereunder is at a rate which if computed on an annual basis would be six thousand dollars per year or less, no provision thereof purporting to disclaim any warranty of merchantability or fitness for particular purposes which may be implied by law shall be enforceable unless either (1) the disclaimer sets forth with particularity the qualities and characteristics which are not being warranted, or (2) the lessee is engaged in a public utility business or a public service business subject to regulation by the United States or this state."

On page 1, in line 1 of the title, after "transactions;" strike the remainder of the title and insert the following: "amending section 2-316, chapter 157, Laws of 1965 ex. sess. as amended by section 1, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-316; amending section 2-719, chapter 157, Laws of 1965 ex. sess. as amended by section 2, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-719; and adding a new section to Title 63 RCW."

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Marsh.

The bill was read the second time by sections.

Senator Woody moved adoption of the committee amendment.

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

On page 2, line 11 of the Senate Committee amendment, after "purchased" and before "primarily" strike "or leased" and insert "[or leased]".

There being no objection, an amendment on the Secretary's desk by Senator Atwood to page 3 of the committee amendment after section 3, adding a new section 4, was withdrawn.

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

On motion of Senator Woody, the committee amendment to the title was adopted.

On motion of Senator Woody, Engrossed Senate Bill No. 2156 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2156, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Francis, Talley—2.

Excused: Senators Jones, Murray—2.

ENGROSSED SENATE BILL NO. 2156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

April 17, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1520, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1520, by Representatives Conner and Eikenberry:
Revising the usury laws with respect of business borrowing.
Referred to Committee on Financial Institutions.

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

REPORTS OF STANDING COMMITTEES

April 18, 1974.

ENGROSSED SENATE BILL NO. 2555, reducing liquor tax from four to two cents per fluid ounce (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 18, 1974.

SENATE BILL NO. 2688, changing certain tax laws relating to commercial fishing vessels (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules for second reading.

April 17, 1974.

SENATE BILL NO. 2981, authorizing counties to establish a residential special assessment deferral program (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Beck, Murray, Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

April 18, 1974.

SENATE BILL NO. 3154, requiring mandatory use of safety belts in motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Beck, Bottiger, Jolly, Knoblauch, Lewis (R. H. "Bob"), Wanamaker, Washington.

Passed to Committee on Rules for second reading.

April 17, 1974.

SENATE BILL NO. 3309, requiring malpractice insurance for escrow agents (reported by Committee on Financial Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 3309 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Dore, Chairman; Clarke, Jones, Mardesich, Woody.

Passed to Committee on Rules for second reading.

April 18, 1974.

SUBSTITUTE HOUSE BILL NO. 90, providing for filing of personal service contracts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Mardesich, Marsh, Metcalf, Peterson (Ted), Rasmussen, Scott, Woody.

Passed to Committee on Rules for second reading.

April 18, 1974.

SUBSTITUTE HOUSE BILL NO. 1037, regulating the egg industry (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Day, Donohue, Matson, Sellar, Washington.

Passed to Committee on Rules for second reading.

April 17, 1974.

HOUSE BILL NO. 1118, permitting banks to advise municipal employee retirement systems in regard to stock investments (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Beck, Murray, Ridder, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

April 17, 1974.

ENGROSSED HOUSE BILL NO. 1181, providing for the sale of certain second class shorelands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

April 18, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, making revision to the timber taxation laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Lewis (Harry), Metcalf, Peterson (Ted), Scott.

MINORITY recommendation: Do not pass.

Signed by: Senators Dore, Fleming, Grant, Mardesich, Marsh, Rasmussen, Sandison, Woody.

Passed to Committee on Rules for second reading.

April 18, 1974.

HOUSE BILL NO. 1316, prohibiting the sale and limiting the lease of university tract properties (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Fleming, Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Scott.

Passed to Committee on Rules for second reading.

April 18, 1974.

HOUSE BILL NO. 1407, defining "adopted child" for purposes of the inheritance land gift tax laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Grant, Metcalf, Peterson (Ted), Rasmussen, Woody.

Passed to Committee on Rules for second reading.

April 18, 1974.

HOUSE BILL NO. 1437, assures budgets setting forth costs arising from higher education personnel law in institutions of higher education go to director of office of program planning and fiscal management for review (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Marsh, Peterson (Ted), Rasmussen, Sandison, Scott.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 18, 1974.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 1377, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1377, by Committee on Social and Health Services (originally sponsored by Representatives Thompson, Pardini, Rabel, Leckenby and Van Dyk):

Making certain changes in the laws relating to correctional institutions.

Referred to Committee on Social and Health Services.

MOTION

Senator Woodall moved adoption of the following resolution:

SENATE RESOLUTION 1974-249

By Senator Woodall:

WHEREAS, It has become known to the Senate of the State of Washington that Ms. Anne Bradley is resigning her position as administrator of the Public Disclosure Commission: and

WHEREAS, Realizing that Ms. Bradley has distinguished her term of office by serving ably and with notable dedication; and

WHEREAS, Realizing the arduousness of determining the appropriate personality to perform the duties of this distinguished and essential Commission; and

WHEREAS, Realizing that there are particular qualifications requisite of said personality, to wit: familiarity with the philosophical and pragmatic issues dealt with by the

Commission, and appreciation of the personal dedication and technical skill necessary to insure representative government to the people of the state of Washington; and

WHEREAS, There are known to the Senate two persons who abundantly possess the aforementioned qualifications and who have recently undertaken, of their own accord, a consecrated study of said issues;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Governor of the state of Washington appoint as administrator of the Public Disclosure Commission one of the following: Joseph E. Brennan or William J. Fritz; and

BE IT FURTHER RESOLVED, That the new administrator be accorded the dignity, allegiance, and deference commensurate with the office; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Daniel J. Evans, Governor of the state of Washington.

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

On line 1 of the fifth paragraph of the resolution, strike "two" and insert "three" and on line 5 of the sixth paragraph, after "Brennan" insert ", Perry B. Woodall".

The motion by Senator Woodall carried and the resolution, as amended, was adopted.

MOTION

On motion of Senator Mardesich, the resolution was ordered immediately transmitted to the office of the Governor.

MOTION

At 5:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:30 p.m., Friday, April 19, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wash., Friday, April 19, 1974.

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Dore, Grant, Henry, Murray, Odegaard, Peterson (Lowell) and Walgren.

The Color Guard, consisting of Pages Quency Wallace and Karen Marshall, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

“ETERNAL GOD, FATHER OF ALL MANKIND, WE LIFT OUR PRAYERS TO YOU AT THIS HOUR TO RECOGNIZE YOU AS THE SOURCE OF LIFE AND ALL THAT MAKES LIFE MEANINGFUL. AND SO WE ASK YOU IN THIS TIME WHEN MANY HAVE LOST THEIR FAITH IN THEE, AND THEIR TRUST IN THEIR FELLOW MEN, TO RESTORE OUR INTEGRITY IN OURSELVES AND OUR HONESTY WITH ONE ANOTHER.

“AS WE BECOME AWARE OF CRITICAL HUMAN NEEDS, MAY WE NOT TURN OUR BACKS ON THE PROBLEMS WHICH HAVE CREATED THOSE NEEDS. BLESS EACH SENATOR WITH WISDOM AND INSIGHT SO THAT THE DECISIONS MADE HERE MIGHT BEGIN TO PROVIDE SOLUTIONS AND HOPE FOR THE FUTURE. MAY YOUR WILL FIND ITS FULFILLMENT IN EVERYTHING WE DO. AMEN.”

MOTION

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

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 3382, by Committee on Higher Education (endorsed by Senators Sandison, Guess, Marsh, Scott, Donohue and Durkan):

Making certain changes in the laws relating to discrimination.

The time having arrived, the Senate resumed consideration of Senate Bill No. 3382, as amended on Thursday, April 18, 1974. On motion of Senator Greive on April 18, 1974, Senate Bill No. 3382 was made a special order of business pending a Ruling by the President on the following amendment by Senator Lewis (R. H. “Bob”) and the Point of Order raised by Senator Sandison on the amendment:

On page 3, add a new subsection as follows:

“(c) *For athletic leagues which promote interest in athletics and athletic prowess of a single sex to function for the exclusive use of persons of that single sex.*”

RULING BY THE PRESIDENT

The President: “In ruling on the Point of Order presented by Senator Sandison, the President finds that Senate Bill No. 3382 is a measure which exempts a multitude of

different activities and organizations from provisions of the existing law pertaining to discrimination based on sex.

"The amendment proposed by Senator Bob Lewis merely includes, within the exemptions, athletic activities, which probably are already included to some extent in paragraph 10(c) of the bill.

"The amendment does not, therefore, change the scope and object of the bill, and the point of order is not well taken."

The motion by Senator Lewis (R. H. "Bob") carried and the amendment was adopted. On motion of Senator Sandison, the following amendment was adopted:

On page 3, add a new section following section 1 as follows:

"*NEW SECTION*. Sec. 2. This 1974 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately."

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

On page 1, line 3 of the title, after "49.60.222" insert "; and declaring an emergency".

MOTION

On motion of Senator Sandison, Engrossed Senate Bill No. 3382 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: "I would like to ask Senator Francis to yield to a question. Senator Francis, you talked about the right to privacy in the amendment which is now the main part of the bill. And it says, 'the ability to move about freely in a disrobed or partially disrobed condition.' If you have three girls in a YWCA moving about freely in a disrobed or partially disrobed condition, is this a violation of privacy?"

Senator Francis: "Senator Metcalf, the answer is no. This has to be read as a whole. The only thing they are talking about there is whether or not premises will be rented to someone, marital status and sex can be considered with reference to privacy. That is, if someone is in the habit of wandering around the house disrobed or partially disrobed or around the YWCA, that could be relevant to determining whether they are going to rent to somebody of the opposite sex."

Senator Metcalf: "Okay. That is fine. I have no objection to this. I understand the situation, but what you say is, if there are three girls doing this, that it is not a violation of privacy. Now suppose that there are two girls and one boy. Is that a violation of privacy?"

Senator Francis: "Well, again, you know, we are talking about the landlord. If the landlord thinks that that would be a violation of privacy, the landlord can take into consideration the fact that it is no longer three girls, it is two girls and a boy. Whether or not it violates the privacy of the three individuals involved I think is up to them."

Senator Metcalf: "You have hedged a little bit here, because we are writing the bill to say in this case that if three or four girls are doing this, which is perfectly normal, natural and no problem, that it is not a violation of privacy, and yet if one of those people is a boy, under this law, the wording that we are adopting, it is a violation of privacy."

Senator Francis: "Senator Metcalf, you are working very hard. I think you are playing a game. You are working very hard to try to build one of those things like what happens when the irresistible force meets the immovable object. The fact if something is not intrinsically a violation in the area of somebody's privacy if three people are wandering around and they do not feel that their privacy has been invaded. So it is with regard to what? This bill gives the landlord a right to take certain things into consideration and one of them is to think about whether or not something might be a violation of privacy. Now the landlord does not have to conclude it would be a violation of privacy, but can consider sex as one of those things that he or she considers in determining whether or not they are going to rent if it would involve someone's privacy."

Senator Metcalf: "I will conclude my remarks here to attempt to speed this up but I will conclude them by saying that what we are saying in this bill is that, just the case I

mentioned, if four girls are doing this, that it is not a violation of privacy but if one of them is a boy, then it is, and yet the Constitution says as we have adopted it, that you may not discriminate, you may not limit the rights and responsibilities on the basis of sex. It is most clearly a violation of the constitutional amendment. I think we will pass it here today and we probably should, though I do not intend to vote for a clearly unconstitutional bill, and I think it will delay it a year; but again, as I told you before when we were considering this unwise amendment, I told you certain things would happen. Now they are happening. Now today I tell you that when this comes to court, the Supreme Court is going to rule that you cannot discriminate on the basis of sex because you have passed a constitutional amendment preventing it and this bill will be ruled unconstitutional and I do not think that there is any question about that in the minds of those who have studied this issue."

Senator Francis: "Senator Metcalf, in answer to that, I said before that you did not understand the constitutional amendment. I am now very much convinced you do not understand it."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3382, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senators Donohue, Durkan, Odegaard—3.

ENGROSSED SENATE BILL NO. 3382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sandison, the appointment of RAYMOND L. SOULE as a member of the Board of Trustees of Community College District No. 3 was confirmed.

APPOINTMENT OF RAYMOND L. SOULE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Connor, Donohue, Odegaard—3.

MOTIONS

On motion of Senator Mardesich, Senators Donohue, Durkan and Odegaard were excused.

On motion of Senator Scott, Senator Whetzel was excused.

MOTION

On motion of Senator Sandison, the appointment of MARJORIE PETERS as a member of the Board of Trustees of Community College District No. 4 was confirmed.

APPOINTMENT OF MARJORIE PETERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Day, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody-40.

Absent or not voting: Senators Bottiger, Connor, Dore, Jones, Twigg-5.

Excused: Senators Donohue, Durkan, Odegaard, Whetzel-4.

MOTION

On motion of Senator Sandison the appointment of MRS. LAWRENCE E. FOSTER as a member of the Board of Trustees of Community College District No. 3 was confirmed.

APPOINTMENT OF MRS. LAWRENCE E. FOSTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody-41.

Absent or not voting: Senators Connor, Lewis (Harry), Newschwander, Twigg-4.

Excused: Senators Donohue, Durkan, Odegaard, Whetzel-4.

MOTION

On motion of Senator Sandison, the appointment of CLAUDETTE R. CODY as a member of the Board of Trustees of Community College District No. 5 was confirmed.

APPOINTMENT OF CLAUDETTE R. CODY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody-43.

Absent or not voting: Senators Connor, Matson-2.

Excused: Senators Donohue, Durkan, Odegaard, Whetzel-4.

MOTION

On motion of Senator Sandison, the appointment of GEORGE WILLIAMS as a member of the Board of Trustees of Community College District No. 5 was confirmed.

APPOINTMENT OF GEORGE WILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Donohue, Durkan, Odegaard—3.

MOTION

On motion of Senator Sandison, the appointment of EUGENE CORR as a member of the Board of Trustees of Community College District No. 6 was confirmed.

APPOINTMENT OF EUGENE CORR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Donohue, Durkan, Odegaard—3.

MOTION

On motion of Senator Sandison, the appointment of MRS. ROY S. MAR as a member of the Board of Trustees of Community College District No. 6 was confirmed.

APPOINTMENT OF MRS. ROY S. MAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Donohue, Durkan, Odegaard—3.

MOTION

On motion of Senator Sandison, the appointment of PINCKNEY M. ROHRBACK as a member of the Board of Trustees of Community College District No. 7 was confirmed.

APPOINTMENT OF PINCKNEY M. ROHRBACK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day,

Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Excused: Senators Donohue, Durkan, Odegaard-3.

MOTION

On motion of Senator Sandison, the appointment of NEIL McREYNOLDS as a member of the Board of Trustees of Community College District No. 8 was confirmed.

APPOINTMENT OF NEIL McREYNOLDS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Excused: Senators Donohue, Durkan, Odegaard-3.

MOTION

On motion of Senator Sandison, the appointment of VINCENT MENNELLA as a member of the Board of Trustees of Community College District No. 9 was confirmed.

APPOINTMENT OF VINCENT MENNELLA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Excused: Senators Donohue, Durkan, Odegaard-3.

MOTION

On motion of Senator Sandison, the appointment of DR. RICHARD EIDAL as a member of the Board of Trustees of Community College District No. 10 was confirmed.

APPOINTMENT OF DR. RICHARD EIDAL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Excused: Senators Donohue, Durkan, Odegaard-3.

MOTION

On motion of Senator Sandison, the appointment of DOUGLAS RICHTER as a member of the Board of Trustees of Community College District No. 11 was confirmed.

APPOINTMENT OF DOUGLAS RICHTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senators Francis, Talley-2.

Excused: Senators Donohue, Durkan, Odegaard-3.

MOTION

On motion of Senator Sandison, the appointment of DALE BOWEN, M.D. as a member of the Board of Trustees of Community College District No. 13 was confirmed.

APPOINTMENT OF DALE BOWEN, M.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-43.

Absent or not voting: Senators Grant, Talley, Twigg-3.

Excused: Senators Donohue, Durkan, Odegaard-3.

MOTION

On motion of Senator Sandison, the appointment of BETTY J. MAGE as a member of the Board of Trustees of Community College District No. 14 was confirmed.

APPOINTMENT OF BETTY J. MAGE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-42.

Absent or not voting: Senators Metcalf, Peterson (Lowell), Twigg, Van Hollebeke-4.

Excused: Senators Donohue, Durkan, Odegaard-3.

MOTION

On motion of Senator Sandison, the appointment of THOMAS C. WARREN as a member of the Board of Trustees of Community College District No. 15 was confirmed.

APPOINTMENT OF THOMAS C. WARREN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Dore, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Connor, Fleming, Talley—3.

Excused: Senators Donohue, Durkan, Odegaard—3.

MOTION

On motion of Senator Sandison, the appointment of CHARLES de la CHAPELLE as a member of the Board of Trustees of Community College District No. 16 was confirmed.

APPOINTMENT OF CHARLES de la CHAPELLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Beck, Canfield, Clarke, Day, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Atwood, Bottiger, Connor, Francis, Peterson (Lowell)—5.

Excused: Senators Donohue, Durkan—2.

MOTION

On motion of Senator Sandison, the appointment of ROBERT GREENE as a member of the Board of Trustees of Community College District No. 17 was confirmed.

APPOINTMENT OF ROBERT GREENE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Dore, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Bottiger, Francis, Peterson (Lowell)—3.

Excused: Senators Donohue, Durkan—2.

MOTION

On motion of Senator Sandison, the appointment of ALFRED GEESEY as a member of the Board of Trustees of Community College District No. 18 was confirmed.

APPOINTMENT OF ALFRED GEESEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 5; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Connor, Day, Newschwander, Peterson (Lowell), Twigg—5.

Excused: Senators Donohue, Durkan—2.

MOTION

On motion of Senator Sandison, the appointment of LYLE D. PERRIGO as a member of the Board of Trustees of Community College District No. 19 was confirmed.

APPOINTMENT OF LYLE D. PERRIGO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Connor, Day, Peterson (Lowell)—3.

Excused: Senators Donohue, Durkan—2.

MOTION

On motion of Senator Sandison, the appointment of I. L. SMITH as a member of the Board of Trustees of Community College District No. 20 was confirmed.

APPOINTMENT OF I. L. SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall—44.

Absent or not voting: Senators Peterson (Lowell), Talley, Washington, Woody—4.

Excused: Senator Durkan—1.

MOTION

On motion of Senator Sandison, the appointment of JAMES G. McKELLAR as a member of the Board of Trustees of Community College District No. 21 was confirmed.

APPOINTMENT OF JAMES G. McKELLAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 5.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones,

Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Day, Peterson (Lowell), Talley, Twigg, Washington—5.

MOTION

On motion of Senator Sandison, the appointment of LEWIS HATFIELD as a member of the Board of Trustees of Community College District No. 21 was confirmed.

APPOINTMENT OF LEWIS HATFIELD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: YEAS, 44; absent or not voting, 5.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Bottiger, Dore, Durkan, Peterson (Lowell), Twigg—5.

MOTION

On motion of Senator Sandison, the appointment of DANIEL V. CARBONE as a member of the Board of Trustees of Community College District No. 6 was confirmed.

APPOINTMENT OF DANIEL V. CARBONE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Durkan, Peterson (Lowell), Rasmussen, Twigg—4.

SECOND READING

ENGROSSED HOUSE BILL NO. 1208, by Representatives Smith, Polk, Thompson and Paris:

Providing for electrical contractor qualifying certificates.

REPORT OF STANDING COMMITTEE

April 7, 1974.

ENGROSSED HOUSE BILL NO. 1208, providing for electrical contractor qualifying certificates (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 6, after "consisting of" strike "six" and insert "seven".

On page 4, line 16, after "as follows:" strike "Two" and insert "Three".

On page 4, line 17, after "of Washington" insert "of which one shall be a minority electrical contractor".

Signed by: Senators Greive, Chairman; Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

MOTION

On motion of Senator Greive, Engrossed House Bill No. 1208, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Fleming yield to a question please? Senator Fleming, with the amendments that you have offered on having a minority member present on there, how far do you think that that amendment goes in deciding who is a minority? Who is a member of a minority group? I am kind of wondering if I would qualify?"

Senator Fleming: "Do you consider yourself a minority?"

Senator Van Hollebeke: "Yes. My parents are both immigrants from a small country in Europe called Belgium and I wonder if I would qualify, or one of my children perhaps, if they would qualify."

Senator Van Hollebeke: "Senator Van Hollebeke, I think you have been on this floor long enough since you have been here, that the bills that we have been passing through here and you got up and asked the same question last session, and you did not qualify then. Secondly, it is spelled out now in our state law what constitutes a minority in this state and also in the United States."

Senator Van Hollebeke: "Can you clarify that for me at this time? I have never heard that."

Senator Fleming: "I would say, Asian American, American Indian, Chicanos, Mexican Americans, Blacks, and they do, I guess, some consider women minorities now, but I think they are the majority minority."

Senator Van Hollebeke: "All right. Now then I still want to know the answer, if you can help me, and I realize this is a tough question. My children are my direct descendants and my parents were born in Belgium. My family goes back very many generations in Flanders. But my children have American Indian blood in them. Now, you know, the question gets a little tougher when you get down that far, but I think it may be pertinent and I would like an answer to that question if you think you can. . . ."

Senator Fleming: "It would be pertinent, Senator, but it is ironic that all of a sudden you want to worry whether they are included in minorities. I am sure when Indians were being discriminated against, you were not worrying about that particular situation."

Senator Van Hollebeke: "I have been worried about Indians before you were born."

Senator Fleming: "You have been?"

Senator Van Hollebeke: "That is right."

Senator Fleming: "I am not going to try to get personal with you here on the floor, because you have probably been worried about a lot of things before I was born, since you are older than I am. But secondly, let us say this, Irishmen, Polish, in our history in this country we all at some point in time have ethnic backgrounds and there were discriminations at those particular times. And back in the eastern seashores you had the different communities but they were divided up into communities. And these were the situations. But over the years in this country and other countries, those ethnic minorities have been phased into the over-majorities. By that I mean, they were minorities in a sense through their ethnic background, but by the pigmentation of their skin they have been considered majorities. And the only way the minorities that I have mentioned have continued to be discriminated against by the mere fact of the pigmentation of their skin was of color. And that would indicate to you the definition that we are talking about of minorities."

"Secondly, as far as this board is concerned, I am sure that the electrical contractors will not have any problem with appointing somebody on that board of your ethnic background."

Senator Van Hollebeke: "They might, because mine gets narrowed down pretty far, but thank you for your answer."

POINT OF INQUIRY

Senator Odegaard: "Would Senator Greive yield? Senator Greive, I have a real concern for the very small electrical contractor. In the rural areas especially we have some very small contractors, even some one-man shops. Would you see the bill and the intent of the membership on the board, do you see some nominations, at least a nomination being made representing the very small electrical contractors?"

Senator Greive: "No."

POINT OF INQUIRY

Senator Woodall: "Would Senator Greive yield? I would like this for the record."

Senator Greive: "Mr. President, I do not really think these questions should be directed to me. I am a very lukewarm supporter of this legislation. It just happened to float through the committee. Now if you want a partisan answer, you are not going to get it from me. Somebody else."

Senator Woodall: "No, not partisan at all. This is very sincere, Senator. We have in some of our small rural areas people who are — you might even call them 'Mr. Fixit.' The kind of people that we can call and get to our homes to do the minor fixing of electrical defects, people who have been doing it for years and years and years. And I want this in the record. Do you feel that the present measure adequately 'grandfathers' in those people in rural areas who have been responding to calls from farmers and small homeowners to do these electrical jobs?"

Senator Greive: "Seriously, I believe that it is intended to do just that, yes."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1208, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Durkan, Guess, Lewis (Harry), Peterson (Lowell)—4.

ENGROSSED HOUSE BILL NO. 1208, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3096, by Senator Rasmussen:
Providing for review of agency requests for additional housing.

REPORT OF STANDING COMMITTEE

April 5, 1974.

SENATE BILL NO. 3096, providing for review of agency requests for additional housing (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 29, after "committee" and before the period insert "*as provided in RCW 43.82.020*".

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was adopted.

On motion of Senator Rasmussen, Engrossed Senate Bill No. 3096 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Rasmussen yield to a question? Senator Rasmussen, do you have any indication or any fiscal note as to the additional cost that will be involved in having an OPP&FM review of each of these requests for space? I am quite serious with this question. I can see where somebody feels they need an extra storage closet or one additional office that they have to move into down the hall and the additional cost of reviewing it could be considerable. I am just wondering if you have had an analysis done on that?"

Senator Rasmussen: "No, quite frankly, we have not, Senator Francis, because we did not consider that this is the type of request they have been making. The type of request that they have been making has caused us to lease seven hundred and forty-five thousand square feet from Tumwater to Lacey and all the areas in between, and that is the reason why this would probably save money if the OPP&FM would review these, plus the fact that it will make the Legislative Budget Committee aware of them. Now there may or may not be additional expense. It will be very minimal if there is."

Senator Francis: "Do you have any idea how many of these agency requests for new or additional space involve fairly small amounts of space? Do you have any exemption for that or is that a fairly small portion of it?"

Senator Rasmussen: "Practically nonexistent. The requests for space that they have had have been for very large in additional quarters."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3096, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-46.

Absent or not voting: Senators Odegaard, Peterson (Lowell), Sellar-3.

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. 3341, by Senators Jones and Day (by Department of Social and Health Services request):

Providing for treatment of alcoholic and intoxicated persons.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 3341 was substituted for Senate Bill No. 3341 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, Substitute Senate Bill No. 3341 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3341, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Grant, Odegaard, Peterson (Lowell)—3.

SUBSTITUTE SENATE BILL NO. 3341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2906, by Senator Washington:
Relating to the environment.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2906 was substituted for Senate Bill No. 2906, and the substitute bill was placed on second reading and read the second time in full.

Senator Guess moved adoption of the following amendment:

Beginning on page 1, line 14, after "field," strike the remainder of the act and insert "Therefore, the department of ecology is directed to conduct studies of noise levels throughout the state and to report back to the legislature with recommendations in the session beginning in January of 1975.

NEW SECTION. Sec. 2. No local government shall adopt resolutions, ordinances, rules or regulations concerned with the control of noise which shall be effective prior to adoption of maximum noise levels and the rules adopted by the department pursuant to this chapter or January 31, 1975, whichever occurs sooner."

Debate ensued.

MOTION

On motion of Senator Scott, Senator Metcalf was excused.

PERSONAL PRIVILEGE

Senator Woodall: "Senator Whetzel said he was sorry I was not here. I happened to be in the Republican caucus room at that moment. We have everything that is said out here piped in. I heard what you said and I did not hear anything that convinced me of anything."

Further debate ensued.

Senator Scott demanded a roll call and the demand was sustained by Senators Canfield, Rasmussen, Woody, Donohue, Fleming, Newschwander, Whetzel, Lewis (R. H. "Bob") and Atwood.

ROLL CALL

The Secretary called the roll and the amendment by Senator Guess was not adopted by the following vote: Yeas, 20; nays, 26; absent or not voting, 2; excused, 1.

Voting yea: Senators Canfield, Clarke, Day, Donohue, Guess, Henry, Jolly, Keefe, Lewis (R. H. "Bob"), Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sellar, Talley, Twigg, Wanamaker, Woodall—20.

Voting nay: Senators Atwood, Bailey, Beck, Bottiger, Connor, Dore, Fleming, Francis,

Grant, Greive, Herr, Jones, Knoblauch, Mardesich, Marsh, Murray, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woody—26.

Absent or not voting: Senators Durkan, Lewis (Harry)—2.

Excused: Senator Metcalf—1.

MOTION

Senator Day moved that Substitute Senate Bill No. 2906 be referred to the Committee on Ways and Means.

Debate ensued.

POINT OF INQUIRY

Senator Atwood: "Would Senator Whetzel yield? Senator Whetzel, if the Day motion fails, will you remove the appropriation?"

Senator Whetzel: "Yes. I meant to include Senator Day's motion that we take off the appropriation, because I think at this time to send the bill to Ways and Means Committee probably would end up with its not passing and I think that might even be contrary to the interests of Senator Day and Senator Guess, who are not enthusiastic about this legislation, that they might rather have something than nothing."

POINT OF INQUIRY

Senator Guess: "I would like to ask Senator Whetzel if he is being consistent. On the one hand he is saying that without the money you will get a set of rules and regulations that are hastily adopted without proper consideration, and now he is proposing to take the appropriation off. I wonder what kind of legislation that is, Senator Whetzel?"

Senator Whetzel: "Senator Guess, if you listened to my remarks, I said that we would make an effort to include the appropriation in the budget bill that is over in the House. I looked on the effort to send the bill to the Ways and Means Committee and to hold it over as an effort to defeat the legislation, and as I said, I am not certain that that is in the best interests of the people who really are concerned about noise control, because if you do not have any legislation, you may find out that you get a lot worse regulations than you would with some state preemption of the field."

Further debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Senator Day, in order to get this fiscal problem in its correct order, would you consent to have Senator Whetzel's amendment heard before yours, his motion, which will be to strike that appropriation? That way, I know that the question was asked of Senator Atwood as to whether or not, if your motion failed, he would then put up his motion. I see he has now put it up before the Secretary of the Senate."

Senator Day: "I think in answer to that question that I would do it, maybe reluctantly, because I think if we strike the appropriation off the bill we have really hamstrung the department's ability to develop the recommendations that should come back to this body. I am not opposed to them having the facility to do that, but if that will facilitate the work of the body, Mr. President, with the consent of the body I will withdraw the motion."

There being no objection, the motion by Senator Day was withdrawn.

Further debate ensued.

Senator Whetzel moved adoption of the following amendment:

On page 7, section 13, line 6, strike section 13,

Debate ensued.

MOTION

On motion of Senator Day, Substitute Senate Bill No. 2906, together with the pending

amendment by Senator Whetzel, was ordered placed at the beginning of the second reading calendar for Saturday, April 20, 1974.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 151, by Senators Atwood, Mardesich and Bailey:

Authorizing a study of retirement systems.

The resolution was read the second time in full.

Senator Mardesich moved adoption of the following amendment by Senators Atwood, Mardesich and Bailey:

On page 1, beginning on line 1, after "WHEREAS," strike the balance of the resolution and insert:

"The legislature and executive branch have historically assumed a commitment to programs of public retirement benefits that are both equitable for retired employees and financially responsible to the taxpayers; and

WHEREAS, Increasing public and professional concern has been expressed about the state's future liability for funding a variety of public retirement programs; and

WHEREAS, The complexity of current retirement formulas makes valid comparisons difficult as between contribution and benefit structures of the various systems, from the standpoint of either equity or responsibility; and

WHEREAS, Recent revisions in public retirement programs have tended to be made through piecemeal amendment of retirement statutes; and

WHEREAS, Similar problems have been addressed in other states, notably New York;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, the House concurring, that the respective Ways and Means Committees and the members of the Public Pension Commission be directed to make a comprehensive joint study of all public retirement programs, with particular reference but not limited to:

(1) The most accurate possible determination of the unfunded liability with respect to current obligations;

(2) The most effective means for funding that liability over the shortest period consonant with anticipated state revenues and expenditure constraints;

(3) Modification of obligations to future employees to provide a balanced retirement program based on total retirement compensation, rather than separation of state retirement benefits from federal Social Security benefits, without jeopardizing current obligations.

(4) Coordination and possible consolidation of all state actuarial functions;

(5) Development of a system of compatible data about all public retirement contributions, benefits, options, anticipated liabilities, and funding; and

(6) Consideration of the legislative rules and joint rules relating to filing and pre-filing of pension bills and amendments; and

(7) The conducting of a joint study of the feasibility and desirability of establishing a new retirement system for all persons employed by state and local government after June 30, 1975.

BE IT FURTHER RESOLVED, That any proposed comprehensive new retirement system should include, but not necessarily be limited to, state employees, local government employees, judicial officers, law enforcement officers, firemen, and commissioned officers of the state patrol;

BE IT FURTHER RESOLVED, That the study shall include one or more alternative benefit structures for a retirement plan covering all employees who are first employed after June 30, 1975, each structure taking into consideration social security payments that are received by retired persons.

BE IT FURTHER RESOLVED, That in implementing the study outlined above, the respective Ways and Means Committees:

(1) Be given access to all recent reports, studies and findings in the field of retirement programs, particularly those conducted by the Legislative Budget Committee, the Public Pension Commission and the respective retirement systems; and

(2) Consider recent retirement program revisions in other states.

NOW, THEREFORE, BE IT RESOLVED, That the respective Ways and Means Committees present a report of their findings and recommendations to the Legislature by January 1975."

Debate ensued.

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

On motion of Senator Mardesich, Engrossed Senate Concurrent Resolution No. 151 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 151, and the resolution passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-45.

Absent or not voting: Senators Connor, Durkan, Lewis (Harry)-3.

Excused: Senator Metcalf-1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 151, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Knoblauch: "Mr. President, I have been in these marble halls for a good many years and for the first time since I have been here I noticed flowers on a couple of the male Senators' desks. Senator Van Hollebeke, with nine children. I think I am going to write to Ann Landers and get the solution to this matter. It seems so funny to have a very fine lady Senator sitting back there and, by golly, some of our men have flowers today. What do you suppose is happening?"

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Senator Knoblauch, all I can say is I never look a gift horse in the mouth, and when a beautiful lady sends me flowers, I generally accept them. And I am not saying anything further than that."

PERSONAL PRIVILEGE

Senator Woodall: "I hold in my hand the newspaper published up in Seattle today which has this remarkable comment, that during the first quarter of this year the gross national product fell five point eight percent. They further say in this article by Mr. Sidney Jones, the chief economist, it is touch and go whether or not in the second quarter we will have a minus growth and a technical recession. I point this out because if you will recall I stood on the floor and said I was not going to vote to spend money that we did not have. I was not going to vote to spend money that was based on somebody's prediction in this state that we were going to have more money than ever before. It now appears that those of us who voted not to spend it before we got it may have been the ones who acted wisely, and those of you who are here in 1975, there may well have been hung a millstone around the necks of the 1975 legislators because with a minus growth and with a fall, you are not going to have the forty-one million dollars that you spent before you got it."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 94, by Committee on State Government (originally sponsored by Representatives Beck, Parker, Bender, Anderson and Ceccarelli):

Providing for veterans' preference in civil service examinations.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Substitute House Bill No. 94 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 94, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Donohue, Murray, Odegaard—3.

Excused: Senator Metcalf—1.

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. 1238, by Representatives Conner, Anderson and Berentson:

Providing for permits for logging trucks.

The bill was read the second time by sections.

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

On page 2, line 22, strike "July" and insert "August".

On motion of Senator Bottiger, House Bill No. 1238, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1238, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—43.

Absent or not voting: Senators Donohue, Lewis (Harry), Odegaard, Rasmussen, Whetzel—5.

Excused: Senator Metcalf—1.

HOUSE BILL NO. 1238, as amended by the Senate, having received the 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 Grant: "Mr. President and members of the Senate, there is being distributed a letter addressed to the President of the United States Senate, Speaker of the House of Representatives, Chairman of the House Judiciary Committee, and Members of Congress from the state of Washington. This is not a memorial, not a resolution. It is a letter that is signed thus far by Senator Francis, Senator Fleming, myself, Senator Van Hollebeke,

Senator Ridder, Senator Woody, and Senator Mardesich. I simply offer it and would like to ask that it be inserted in the Journal as at least our position relative to the question of impeachment of the President and offer to other members the opportunity to sign this letter."

There being no objection, the following communication was ordered placed in the Journal:

COMMUNICATION

April 19, 1974.

TO: The President of the United States Senate, the Speaker of the House of Representatives, to the Honorable Peter Rodino, Chairman of the Judiciary Committee of the House of Representatives; and to each member of Congress from the State of Washington:

WHEREAS, The most ancient and venerable of all traditions of democratic governments is that they have been governments of laws, not merely of men; and

WHEREAS, All persons are equally subject to such laws, no single individual having the right to place himself above the laws; and

WHEREAS, Revelations recent and continuous consistently produce evidence sufficient to establish, beyond the realm of coincidence, that high ranking federal government officials directly associated with the executive branch and the White House have engaged in extensive and deliberate illegal conduct and activities which include, but have not been limited to, burglary, obstruction of justice, perjury, extensive illegal surveillance of private individuals, and gross violation of federal and state campaign and election laws; and

WHEREAS, The President himself has publicly accepted responsibility for many acts of impropriety committed by numerous individuals directly responsible to him; and

WHEREAS, The President has repeatedly shown a considerable degree of reluctance to release vital information and evidence which would have provided full disclosure of the facts involved in the unfortunate progression of clandestine occurrences commonly known as "Watergate"; and

WHEREAS, The President, his administration, the officials thereof, and, above all, the American people are entitled to an orderly and complete disclosure of this matter, which will hopefully restore the people's confidence in the ability of the federal government to administer its duties as provided for by the Constitution of the United States; and

WHEREAS, Our founding fathers, in their wisdom, prescribed an orderly procedure for the impeachment and trial of all civil officers, including the President, under the mandate of Article II, Section 4 of the Constitution of the United States;

NOW, THEREFORE, We respectfully pray that the Judiciary Committee of the House of Representatives of the 93rd Congress of the United States do send to the House of Representatives a resolution and articles of impeachment specifying the charges against the President as may be determined by the Committee; and

FURTHER, We respectfully pray that the House of Representatives of the United States vote to impeach the President in order that a full public hearing, conducted solely upon documented facts and evidence, be commenced by the Senate of the United States; and

BE IT FURTHER RESOLVED, That copies of this letter be immediately transmitted by the Secretary of the Senate to the President of the United States Senate, the Speaker of the House of Representatives, to the Honorable Peter Rodino, Chairman of the Judiciary Committee of the House of Representatives, and to each member of Congress from the State of Washington.

Signed by: Senators Grant, Woody, Ridder, Francis, Fleming, Van Hollebeke and Mardesich.

MOTION

At 4:50 p.m., on motion of Senator Mardesich, the Senate recessed until 6:05 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 6:05 p.m.

MOTION

At 6:07 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Saturday, April 20, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, April 20, 1974.

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 Dore, Greive, Ridder and Sellar. On motion of Senator Scott, Senator Sellar was excused.

The Color Guard, consisting of Pages Leonard Fakkema and Debby Fisher, presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"O GOD, THOU WHO HAST ADDED ANOTHER DAY TO OUR LIVES, GRANT US YOUR GRACE AND LOVE THIS DAY THAT WE MAY JOYFULLY HONOR YOU, SERVE YOU AND FOLLOW IN YOUR WAYS. UPPERMOST IN OUR MINDS, O GOD, IS THE PEACE OF THE WORLD, AND OUR NEED FOR YOU TO GUIDE THE NATIONS OF MANKIND TO WORK FOR THOSE CONDITIONS WHICH CREATE JUSTICE AND EQUITY FOR ALL PEOPLE. IN OUR OWN LAND, OUR FATHER, HELP US TO FIND WAYS TO RESTORE CONFIDENCE AND TRUST IN OUR NATION'S LEADERS AND IN OUR POLITICAL INSTITUTIONS. STRENGTHEN OUR UNITY, O GOD, DRAWING US CLOSER TOGETHER AS YOU LEAD US INTO THE HIGHER WAYS OF HONESTY, FAIRNESS AND INTEGRITY IN OUR NATIONAL AND LOCAL POLITICS. HELP US NOT TO FORGET THAT AS FREE MEN AND WOMEN WE CANNOT TRULY LIVE WITHOUT STRONG AND INDEPENDENT POLITICAL INSTITUTIONS SUPPORTED BY RESPONSIBLE CITIZENS.

"WE PRAY YOUR BLESSING, OUR FATHER, UPON THE MEMBERS OF THIS SENATE OF THE STATE OF WASHINGTON. MAY EACH MEMBER OF THIS BODY STRIVE TO VALUE GOODNESS OVER EVIL, HONOR OVER DISHONOR, GEN-

EROSITY OVER GREED AND LOYALTY TO STATE, COUNTRY AND CONSTITUENCY OVER SELFISHNESS. ACCEPT OUR THANKS FOR ALL THAT YOU GIVE TO US AND HELP US TO BE YOUR WILLING SERVANTS. GLORY TO YOU O LORD OUR GOD. AMEN."

MOTION

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the second reading calendar for today.

SECOND READING

SENATE BILL NO. 2940, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley):

Limiting commercial salmon licenses.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2940 was made a special order of business for 1:00 p.m. today.

SECOND READING

SENATE BILL NO. 3246, by Senators Day and Walgren:

Providing for a special fuel tax.

The bill was read the second time by sections.

Senator Day moved adoption of the following amendment:

On page 1, line 16, strike "[until July 1, 1975]" and insert "until July 1, [1975] 1977".

POINT OF INQUIRY

Senator Rasmussen: "Senator Day, inform the body how many truck fleets have been converted or are in the process of being converted to this propane fuel?"

Senator Day: "I was not at the hearing, Senator, to have that information. There has been a number of truck fleets converted but it is not a very broad thing yet and they are just really beginning to get the fleets and people aware that this is a possible alternative fuel source. When the bill was introduced I told them that just striking the period of time limitation was asking for too much and that would force the legislature to come back and reinstitute the thing, and this way it will be done automatically but it will give them time to get the thing going and get the source - it is quite an expensive conversion, you see, Senator, and what this will do is give them an opportunity to get the thing going but still it will make an automatic cutoff date."

Senator Rasmussen: "I understand that, but what I am concerned with is that there would probably be a large number of truck fleets operating that would be paying no other tax than sales tax for the use of highways, and their license fees."

Senator Day: "There is not that much difference and this is in the experimental stage in the cost, to begin with. It is a little bit cheaper but it also is not quite as efficient as far as mileage is concerned, and consequently, I do not think there is that much difference so it has not really been the burgeoning thing that they thought it was going to be, but they have asked for two more years and an opportunity to try and see if they can use this as an alternative source of fuel. I think that is what the bill intends to give them. Now, Senator Walgren may be able to answer that question because he was at the hearing and conducted the hearing."

Senator Rasmussen: "I would hope so."

POINT OF INQUIRY

Senator Rasmussen: "Senator Walgren, would you yield to a question please? My concern is that by extending this time to 1977 we would have more truck fleets than we do now that are using propane. Do you have any knowledge as to how many truck fleets? I do not anticipate too many personal cars, but the truck fleets, I understand, are in many instances completely converting to propane because of availability and because it is cheaper, and it would be particularly advantageous because there was no tax on it other than the sales tax. Could you tell me, from the hearings, what information you received?"

Senator Walgren: "It is true that there are more trucks that are changing over than there are personal cars. For a truck it costs somewhere in the neighborhood of about five hundred to six hundred dollars for the conversion, while a private automobile will require up to about seven hundred and fifty dollars. Senator Jolly called to my attention that most of the trucks that have changed over are delivery trucks inside cities, rather than the large trucks out on the highway, and I do not recall that there is any testimony directly as to the number of conversions that have occurred."

Senator Rasmussen: "Well then, these fleets that do change over to propane, they will then be operating without any fuel tax except the sales tax that they pay on propane gas?"

Senator Walgren: "They will have the federal tax. They will not have the regular motor vehicle excise tax."

Senator Rasmussen: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Beck yield? Senator, I know there have been quite a number of experimental conversions at considerable expense to the owners. Do you have any information on the cost per mile of operating under gasoline or diesel compared with propane? Is propane a saving of the resource, is what I am trying to get at?"

Senator Beck: "Senator, I cannot give you any facts on that, but it is an expensive conversion and those people who have converted their vehicles have gone to considerable expense to readjust their carburetors to burn this low pressure fuel. I cannot give you the number of people, but they will still have until July 1, 1975 (sic) in which they will not have to pay any motor vehicle fuel tax to help recoup the cost. It is not working out. There are so few vehicles involved that it is almost negligible."

Senator Canfield: "My information that I have, which is rather casual, indicates that the benefits are partly in the field of pollution, partly in the field of saving wear and tear on the motor, but I have not heard any data on the saving of the resource of natural gas or petroleum. That is why I was asking you the question."

Senator Beck: "Testimony has been given that this is much easier on the motor of an automobile. It cuts down considerably on the wear and tear of the motor of the car. It is true that there is a lot of propane gas and if you had a propane burning vehicle during this four or five months that we had this energy shortage, you were able to go ahead and buy propane gas. And there was an ample supply of that. But the thing is so negligible - let us give them another two years. If it does not work, the law automatically expires July 1, 1977."

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

On motion of Senator Day, Engrossed Senate Bill No. 3246 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

There being no objection, Senators Dore, Greive and Ridder were excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3246, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe,

Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—41.

Voting nay: Senators Matson, Rasmussen, Woodall—3.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senators Dore, Greive, Ridder, Sellar—4.

ENGROSSED SENATE BILL NO. 3246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2906, by Committee on Ecology (originally sponsored by Senator Washington):

Relating to the environment.

The Senate resumed consideration of Substitute Senate Bill No. 2906 and the following amendment by Senator Whetzel that had been moved for adoption on Friday, April 19, 1974:

On page 7, section 13, line 6, strike section 13.

POINT OF INQUIRY

Senator Day: "Would Senator Donohue yield to a question? Senator Donohue, I do not think we can expect this department to properly function in this area without some kind of an appropriation or an available resource. Do they have it within their budget or is there some adjustment you can make in the budget?"

Senator Donohue: "This morning, in fact right now, we are in contact with Mr. Biggs of the department to try and find out if it is possible that he can do the study. We feel that, it is definitely our opinion that one hundred and fifty thousand dollars is excessive, that between now and January that this amount of money is not necessary, that amount, and I have contacted Representative Shinpoch pertaining to funding. The budget bill is still over in the House and we are going to find out what is needed to fit it in over there before it comes back."

Senator Day: "All right. Thank you."

The motion by Senator Whetzel carried and the amendment to page 7, section 13, line 6 striking section 13 was adopted.

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

On page 2, line 6, after "environment" insert a comma.

On page 2, line 8, after "nature" insert a comma.

Senator Donohue moved adoption of the following amendment by Senators Donohue and Jolly:

On page 2, line 10, after "products" and before the period insert " PROVIDED FURTHER, That all agricultural equipment and machinery shall be exempt from the requirements of this act".

Debate ensued.

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

On motion of Senator Whetzel, the following amendments were adopted:

On page 4, line 29, strike "controlled" and insert "control".

On page 4, line 31, after "special" strike "local".

Senator Whetzel moved adoption of the following amendment by Senators Mardesich and Whetzel:

On page 3, after "standards." on line 10, add a new subsection as follows:

(6) Noise levels and rules adopted by the department pursuant to this chapter shall not be effective prior to March 31, 1975.

Debate ensued.

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

Senator Marsh moved adoption of the following amendment:

On page 3, section 5, line 16, after "who" insert "knowingly".

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Marsh yield to a question? Senator Marsh, would you accept a further amendment to that, 'knowingly and willfully,' with the addition of the word 'willfully'?"

Senator Marsh: "It would be acceptable to me."

On motion of Senator Rasmussen, the following amendment to the amendment by Senator Marsh was adopted:

After "knowingly" added by the Marsh amendment, insert "and willfully".

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

Senator Guess moved adoption of the following amendment by Senators Rasmussen and Guess:

On page 3, line 18, after the period strike the remainder of the section and insert: "All violations of this act shall be administered pursuant to the provisions of RCW 34.04, the state administrative procedures act."

POINT OF INQUIRY

Senator Whetzel: "Does your amendment, Senator Guess, strike down through line 24 or does it strike the entire remainder of the section?"

Senator Guess: "The entire remainder of the section."

Senator Whetzel: "I wonder if you really want to go that far, if you would not prefer to have some method of appeal to the Pollution Control Hearings Board and an opportunity to go into court?"

Senator Guess: "Are you suggesting that we leave in line 25 and the remainder?"

Senator Whetzel: "That would be my suggestion, that you may actually have a better opportunity for someone who is given a notice of violation to appeal to the Pollution Control Hearings Board."

Senator Guess: "I would accept a verbal amendment to that, Senator."

Senator Whetzel: "Then we would just strike down through line 24 so that the notice of the violation would have to comply with the administrative procedure act, but then you could appeal to the Pollution Control Hearings Board."

On motion of Senator Whetzel, the following amendment to the amendment by Senators Rasmussen and Guess was adopted:

Strike the words "strike the remainder of the section" and insert "strike the balance of the paragraph down through "section." on line 24".

The motion by Senator Guess carried and the amendment, as amended, was adopted: Senator Canfield moved adoption of the following amendment:

On page 1, line 14, after "field." add the following: "This act shall apply to AA counties only."

Debate ensued.

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

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

On page 1, line 2 of the title, after "penalties;" strike "making an appropriation;"

MOTION

On motion of Senator Whetzel, Engrossed Substitute Senate Bill No. 2906 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Washington yield to a question? Senator Washington, under an amendment that was put up by Senators Mardesich and Whetzel which I believe was adopted, the rules and regulations under this bill shall not be effective prior to March 31, 1975. First, am I correct in that; and secondly, will you request that the department

report their proposed rules and regulations to you prior to the end of 1974 so that we will have a chance to review those rules and regulations?"

Senator Washington: "I think that what I would say is I would request from the chairman of the Ecology Committee that they submit them to us prior to or at the time of the commencement of the legislature in 1975."

POINT OF INQUIRY

Senator Woodall: "Would Senator Washington yield? Do you have any assurance that the amendments which we have proposed will be left on if we pass this or will they all be penciled out?"

Senator Washington: "I have no knowledge one way or the other on that, Senator Woodall. I wish I could give you assurances but I am in no position to do that."

Senator Woodall: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2906 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Fleming, Francis, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—41.

Voting nay: Senators Donohue, Guess, Odegaard, Twigg, Woodall—5.

Absent or not voting: Senator Durkan—1.

Excused: Senators Dore, Greive—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2906, having received the constitutional 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 Washington, Engrossed Substitute Senate Bill No. 2906 was ordered immediately transmitted to the House.

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

MESSAGES FROM THE HOUSE

April 20, 1974.

Mr. President: The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 151, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 19, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3023, notwithstanding the Governor's Veto, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 19, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3039, notwithstanding the Governor's Veto, and the same is herewith transmitted.

DONALD R. WILSON, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 151.

MOTION

The special order of business for 1:00 p.m., Senate Bill No. 2940, was made a special order of business for 1:30 p.m. today.

MOTION

At 12:05 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

There being no objection, Senator Woodall was excused.

Senators Mardesich, Walgren and Atwood demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senators Greive and Woodall who had previously been excused.

MOTION

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 2940, by Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley):

Limiting commercial salmon licenses.

The time having arrived, the Senate commenced consideration of Senate Bill No. 2940.

MOTIONS

On motion of Senator Peterson (Lowell), Third Substitute Senate Bill No. 2940 was substituted for Senate Bill No. 2940 and the substitute bill was placed on second reading and read the second time in full.

Senator Bailey moved adoption of the following amendment:

On page 2 of the third substitute bill, section 2, line 8, after "1977" and before the period insert "PROVIDED, HOWEVER, That nothing herein shall be construed to authorize any permit or license which is unlawful under Title 75 RCW or any regulation promulgated thereunder"

Debate ensued.

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

Senator Day moved adoption of the following amendment:

On page 2, following line 9, insert a new section as follows:

"NEW SECTION. Sec. 3. No commercial fishermen licensed under the terms of this bill shall be allowed to fish within three miles of the shorelines of the state of Washington with any gear other than line and hook."

Renumber the remaining sections consecutively.

Debate ensued.

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

Senator Bailey moved adoption of the following amendment:

On page 2 of the third substitute bill, following section 2, add a new section to read as follows:

"NEW SECTION. Sec. 3. Each license or vessel delivery permit shall be restricted to a single licensing district."

Renumber the following sections.

Debate ensued.

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

Senator Bailey moved adoption of the following amendment:

On page 3, following line 9, section 7, insert a new section as follows:

"NEW SECTION. Sec. 8. In addition to the licenses and permits authorized by this act the boards of review sitting jointly with the director shall have discretionary power to issue additional licenses and permits in number not to exceed a figure equal to three percent of the total number of permits and licenses issued in the previous year for each designated license and permit classification. In issuing such additional licenses and permits the board of review and the director of fisheries shall give special consideration to the previous training and commercial fishing experience of the applicant."

Renumber the remaining sections consecutively.

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Bailey:

On line 7 after "to" and before "percent" strike "three" and insert "one and one-half"

POINT OF INQUIRY

Senator Greive: "Would Senator Mardesich yield to a question? Would you be willing to add an addition to that amendment and limit the one and one-half percent to gillnetters only? After all, when you deal in purse seining and you deal in other types of fishing, there are not that many. There would be a lot fewer purse seining boats and it would seem to me that you might limit it to three or four boats."

Senator Mardesich: "It seems to me that if the philosophy applies in the case of gillnetters it applies in the case of all types of licenses. If some son has been fishing with his father for fifteen years and he is now old enough to get out into the business on his own and he happens to have been brought up in the purse seine rather than the gillnet area, why not allow him also that freedom to get in."

Senator Greive: "But, Senator, is it not true that the vast majority of purse seiners do not live from the Sound alone or from the waters of the state of Washington alone? They live basically from Alaska and other waters and this is just an extra something that might encourage them to locate here rather than the state of Oregon or somewhere else. So would it not seem that since this is just something extra as far as they are concerned, something to make a successful rather than an unsuccessful season, and since it might limit it to two or three boats and there are a number of people who has opposed this bill who want to get into the business, especially younger people, and some gillnetters, for instance, that would like to be purse seiners, would it not make good sense to make a different limitation where you would have so many fewer boats than you do in the case of gillnetting?"

Senator Mardesich: "I really do not know what the statistics are with respect to how many boats come from Alaska. I do know that there are gillnetters who come down. There are purse seiners who come down. And on the other hand, there are probably as many of us who go up there during the season. So it is a two-way street, and it would seem to me, although this amendment does not address itself to the question of how those additional permits might be allocated, I would assume that they would do it on a lot basis but there is nothing that prohibits giving preference to local residents, as I see it."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Mardesich yield to a question? Senator Mardesich, could you perhaps give me a little more background information on this? You mentioned that, I think you said it was gillnetters, we have in excess of two thousand presently licensed. How many trollers approximately? I know that you do not have exact figures but approximately how many trollers?"

Senator Mardesich: "I do not recall. I would suspect that the trolling fleet is one quarter of the gillnet field, perhaps four or five hundred, and given the seiners, I really do

not know. I would guess maybe seven hundred or about eight hundred or something like that."

Senator Van Hollebeke: "Seven to eight hundred perhaps in seiners and you think the trollers about five hundred?"

Senator Mardesich: "I am just guessing."

Senator Van Holleke: "Just a rough guess?"

Senator Mardesich: "Right. Is there anyone around on staff? Or maybe Senator Peterson can help on this."

Senator Peterson (Lowell): "Senator Mardesich, I think if we are talking about the kelper, the long line trollers and combining them, I think we are talking more around four thousand if you take the total segment."

Senator Mardesich: "The total segment of what? Trollers and kelpers together?"

Senator Peterson (Lowell): "Trollers and kelpers together. They do not differentiate or break down in the licensing procedures to license the long line troller or the kelper. It comes under the same category."

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Bailey yield to a question please? Senator Bailey, we have a little discussion going back here as to whether it is three percent a year or three percent in the four year period. Are we compounding each year?"

Senator Bailey: "It says 'previous year' and I judge that would be yearly. Now that is no issue with me. I think we are accomplishing the principle involved that Senator Peterson, the two Petersons, are trying to put over, and that is a limitation. The three percent is only discretionary. The board has to find hardship or a good reason for this even to grant the three percent. It would be my idea it would be three percent per year."

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

Further debate ensued.

POINT OF INQUIRY

Senator Talley: "Would Senator Metcalf yield? What if the three percent restriction is only applied to Puget Sound? Would you take it that way?"

Senator Metcalf: "I believe that a limitation is a limitation and I think it should be a limitation. If the body amends it and adds this amendment or applies it to Puget Sound only, I will still vote for the bill when it is on final passage but I believe that we--this is a moratorium bill and I think we should have a year moratorium bill."

POINT OF INQUIRY

Senator Day: "Will Senator Bailey yield? I would appear to me, Senator Bailey, that rather than put the department in this very advantageous position, as you have already done with these other licenses, would it not be better to put the limit on and then put a limit on the amount that the man could obtain in the transfer of a license? In other words, limit the amount of the sale of the license, so that you would not make a bonanza out of this for people that happened to have licenses?"

Senator Bailey: "Senator Day, that is a good idea, I think, but it is so complicated and the variation of the price of license that it probably would defeat the bill at this time. I just could not be worked out.

Further debate ensued.

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

Senator Talley moved adoption of the following amendment:

On page 3, following line 9 add a new section 8 as follows:

"*NEW SECTION.* Sec. 8. Any Indian fisherman or white fisherman, who is fishing for commercial sale or use, must fish in pairs, and when fish are sold, receipts shall be divided equally."

Renumber remaining sections.

Debate ensued.

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

Senator Rasmussen moved adoption of the following amendments:

On page 3, line 13, after "be" strike "informal" and insert "formal" and on line 14 after "shall" strike "not"

Debate ensued.

There being no objection, the amendment by Senator Rasmussen was withdrawn.

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

On page 3, line 14, after "proceedings" insert "and a record shall be kept thereof as provided by chapter 34.04 RCW"

Senator Rasmussen moved adoption of the following amendment:

On page 4, beginning on line 12, strike all of section 14.

Debate ensued.

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

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

On page 1, line 5 of the title, after "appropriation" strike "; and declaring an emergency"

On motion of Senator Peterson (Lowell), Engrossed Third Substitute Senate Bill No. 2940 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 Greive: "Would Senator-Metcalf yield to a question? Senator, how many boats could Whidbey-Fidalgo, which is now owned by Japanese interests, have under this one license? How many licenses? How would that work in that particular industry?"

Senator Metcalf: "I have no idea as to how many they own today. I would only suggest that when you come to the time to limit the licenses, this is one thing . . ."

Senator Greive: "Can they have a number of boats under one license and do they . . ."

Senator Metcalf: "No. Each boat is individually licensed and that is the limitation we are putting on this."

Senator Greive: "Where is that in the bill? Would you point that out to me? I think it is an important question. I want to know how many licenses, in other words, if you have a corporate license can you have a number of boats . . ."

Senator Metcalf: "Each vessel is licensed. That is what this is."

Senator Peterson (Lowell): "I think section 5 addresses itself to that. 'No person, sole proprietorship, partnership or any other profit or nonprofit entity of any kind shall increase the number of licenses held,' and that was fairly well restricted. To get more relative to your question, this came up in committee, Senator Greive, and at the present time there are very few corporate cannery owned fishing vessels holding licenses in the department."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 2940 and the bill passed the Senate by the following vote: Yeas, 36; nays, 13.

Voting yea: Senators Atwood, Beck, Bottiger, Canfield, Clarke, Connor, Day, Dore, Durkan, Francis, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Scott, Sellar, Stortini, Talley, Twigg, von Reichbauer, Walgren, Wanamaker, Whetzel, Woodall, Woody-36.

Voting nay: Senators Bailey, Donohue, Fleming, Grant, Greive, Guess, Jolly, Odegaard, Rasmussen, Ridder, Sandison, Van Hollebeke, Washington-13.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Peterson (Lowell), Engrossed Third Substitute Senate Bill No. 2940 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 3283, by Senators Durkan, Odegaard, Donohue, Bailey, Bottiger, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington and Woody:

Authorizing property tax exemptions and rental support programs for elderly, poor, and infirm persons.

MOTIONS

On motion of Senator Donohue, Second Substitute Senate Bill No. 3283 was substituted for Senate Bill No. 3283 and the substitute bill was placed on second reading and read the second time in full.

Senator Rasmussen moved adoption of the following amendment:

On page 3, line 10, after "revenue" and before the period insert a new subsection as follows:

"(5) The term "income" shall mean the net income after deductions and exemptions authorized under federal income tax laws have been subtracted from gross income"

Debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Rasmussen yield? Senator, under your amendment, might not these conditions be true? A person could have a very substantial income, maybe even a million dollars, and by depletion allowances, by depreciation, by write-offs, by interest payments, by investment losses, you can name a whole slug of them, he could end up being supported at public expense, under your amendment. Is that not true?"

Senator Rasmussen: "I think what you say is true, that we are supporting a lot of people with public assistance that should not be supported. Yes, frankly, I can agree with that, but I do not think that my amendment would do that, Senator Canfield."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Donohue yield to a question? Senator Donohue, as this proposed bill now stands, Senate Bill 3283, what is the total fiscal impact? Was it twenty million?"

Senator Donohue: "Senator, the total fiscal impact of this bill is twelve million, but the present fiscal impact is eight point four. We are adding three point six million additional relief under this bill."

Senator Rasmussen: "Well then, the total would be twelve plus eight."

Senator Donohue: "No, no. The present law, with the four thousand, six thousand dollar exemption amounts to eight point four million dollars. We in our amendment are extending that and adding three point six for a total of twelve million."

Senator Rasmussen: "Thank you. Would you answer one more question? What is the present method of filing for tax relief?"

Senator Donohue: "The present method is an application, a regular application which is annually, and all people have to do it annually, every year, and that is all there is to it."

Senator Rasmussen: "That is what I thought. Is there any means of checking that you know and does anyone do any checking as to the truth of the statements?"

Senator Donohue: "I have not talked to any assessors as to how far they check, so I guess the answer is that I do not know, Senator."

Senator Rasmussen: "Thank you, Senator Donohue. Mr. President, this is exactly the

point that I was making with this amendment as I offered it, that there is no checking now and this same party that Senator Canfield mentioned might have a million dollars worth of income, may come in and show his social security statement or railroad retirement or civil service pension, state pension, and then completely forget about filing the income from his oil wells down in California or Oklahoma, and there is nobody that does any checking. And this was what I was aiming at. Thank you."

POINT OF INQUIRY

Senator Bottiger: "Mr. President and members of the Senate, Senator Rasmussen showed us this amendment before and I have had a chance to do a little work, as Senator Donohue has also done. He has mentioned the numbers of people and the income that would be exempt from partial or total special levy relief. Senator Canfield, in answer to your question that Senator Rasmussen did not answer, the answer is, you are absolutely right. Add to that tax free bonds, all the other kinds of nontaxable income. Senator Rasmussen goes further than he says, because rather than simply filing your income tax and using the gross income as a means of checking, he adopts the net income approach, the net effect of which is to build in to our exemptions all of the evils of the federal income tax system. And Slim, you are just hitting a sledge hammer where you needed a very fine paring knife."

Further debate ensued.

MOTION

On motion of Senator Rasmussen, the amendment was withdrawn.

POINT OF INQUIRY

Senator Dore: "Would Senator Donohue yield to a question? I had a phone call this morning, a fellow was rather upset, and he says by changing this formula and knocking out any credit for social security, he actually will have his taxes raised. I think there are twenty-five thousand such cases in King County that are presently getting this exemption. Has your staff made a study? Generally I realize it is tax relief for the majority of people in view of the large appropriations you have added into the bill, but will any number of those twenty-five thousand people actually, by the fact you have knocked out federal social security, be paying more taxes or is there no case where they will be paying more taxes?"

Senator Donohue: "There might be a case, very few people who would be paying more taxes than they are today, but I will explain, Senator, that we are raising the exemption from six thousand to seven thousand, and in doing so we took care of the large, large majority of those people. I do not have a specific number but the staff tells me that this would solve the problem that you are speaking to."

Senator Dore: "Maybe this is an unfair question but the man who called apparently had taken the bill down to the assessor and applied it to his situation and he finds out he is going to pay more taxes because his credit is not allowed under this new exemption bill. He lives in a house valued at about, oh, I would say sixteen, seventeen thousand dollars. I was quite taken aback about it and he started lobbying me to vote against the bill and I said, 'No, this is going to help you, not hurt you,' and it is kind of hard to argue against the man that has gone down with the bill to Mr. Hoppe to find out what additional taxes he would pay, so I just wondered if this is just an isolated example. Has your staff made any studies or what?"

Senator Donohue: "According to the staff, Senator, as I remarked earlier, there are a few people but the main group of people will be helped because of the raise of the exemptions from six to seven thousand dollars."

MOTIONS

Senator Bottiger moved that Second Substitute Senate Bill No. 3283 be placed on the second reading calendar for Sunday, April 21, 1974.

Senator Donohue moved that Second Substitute Senate Bill No. 3283 be placed at the beginning of the second reading calendar for Sunday, April 21, 1974.

POINT OF INQUIRY

Senator Guess: "If we hold the bill over, I would like to ask Senator Donohue a question. Senator Donohue, every time we go back home and we have given tax credit, the county commissioners jump all over me because we have cost them some more money. Now, can you assure me that this is not going to do more damage to the county government and the county financing? For instance, on the rollback they were very unhappy that we had cost them a lot of money. Is this going to cost the county commissioners in the operation of the county government more funds?"

Senator Donohue: "Senator, if you remember the appropriation bill that we passed several days ago, we had one point four million four to take care of the state portion of the property tax to take care of schools. Under the one hundred and six percent limitation law which pertains to dollars, the counties and local taxing districts can pick this up and not cost them any money."

Senator Guess: "Okay. Thank you very much."

The motion by Senator Donohue carried. Second Substitute Senate Bill No. 3283 was ordered placed at the beginning of the second reading calendar for Sunday, April 21, 1974.

SECOND READING

SENATE BILL NO. 3274, by Senator Bottiger:
Relating to fire districts.

REPORT ON STANDING COMMITTEE

April 16, 1974.

SENATE BILL NO. 3274, relating to fire districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. There is added to chapter 52.36 RCW a new section to read as follows:

Any fire protection district which provides first aid vehicle service pursuant to RCW 52.08.030, may pursuant to a resolution establish and collect reasonable charges for such services in order to reimburse the district for its costs of providing such services.

NEW SECTION. Sec. 2. There is added to chapter 52.36 RCW a new section to read as follows:

Any fire protection district which provides ambulance service pursuant to RCW 52.08.030, shall pursuant to a resolution establish and collect charges for such services in order to reimburse the district for all costs of providing such service."

In line 1 of the title, after "districts" and before "." insert "; and adding a new section to chapter 52.36 RCW"

Signed by: Senators Beck, Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Whetzel.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Bottiger, Engrossed Senate Bill No. 3274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Will Senator Bottiger yield? Senator, are these charges levied against the user of the ambulance service or is it just put on the general bill of the district? In other

words, do they budget 'x' dollars for ambulance service or, if I need ambulance service, charge me personally and directly?"

Senator Bottiger: "They would charge you. Now keep in mind there are two subjects, emergency service and ambulance service. We are talking about ambulance service, the run by the fire district ambulance from Prosser to Yakima, would get a bill if your fire district had adopted a resolution charging for that service? Yes, sir."

Senator Canfield: "The bill would come to me and it would not be absorbed by the district with everybody paying a little share?"

Senator Bottiger: "No, sir, the individual would be billed for the service."

Senator Canfield: "Now my second question is, you remember you are interested in a service charge bill last January or February, remember? Does this add to that or how does it relate to it? Would you explain that please?"

Senator Bottiger: "That is an entirely different subject. That was a method whereby fire districts could charge. . . ."

Senator Canfield: "I understand the other bill, but this is over and above that service."

Senator Bottiger: "Okay, Senator Canfield, few fire districts have ambulance service. Most of them now have emergency service, but those that have ambulance service, especially in the remote areas, simply are providing it on a demand basis and they do not have to pass a resolution charging for it but if they could eliminate or reduce other charges and other taxes by billing the individual who, as I say, ninety percent of whom are covered by insurance anyhow, if they could reduce their other expenses through this source that is available."

Senator Canfield: "Do you remember, Senator, that these service charges were to be adopted following a vote of the people in a district, remember? And these particular service charges are applied to the individual who uses that service directly. Is that what we are saying in this bill?"

Senator Bottiger: "That is correct."

Senator Canfield: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to a question? Senator Bottiger, I understand the intent of this bill and I am for it. I am a little curious though. I see House Bill 1526 was read in this morning providing a lien for services by ambulance companies. This bill contains no provisions for an automatic lien, does it?"

Senator Bottiger: "No, sir."

Senator Rasmussen: "You do not know anything about this?"

Senator Bottiger: "I have not read that bill, Senator. I do not think it pertains to fire districts. That must be commercial ambulances. Nobody has ever told me about it."

Senator Rasmussen: "It was just read in this morning here. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3274, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—49.

ENGROSSED SENATE BILL NO. 3274 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2981, by Senators Bottiger and Newschwander:
 Authorizing counties to establish a residential special assessment deferral program.

REPORT OF STANDING COMMITTEE

April 17, 1974.

SENATE BILL NO. 2981, authorizing counties to establish a residential special assessment deferral program (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 3, line 33, after "retired" and before "persons" delete "and disabled"

On page 3, section 3, line 5, after "county" and before the period insert ": PROVIDED, That nothing in this subsection shall be construed to prohibit alternative means of providing funds for the support and operation of a special assessment deferral program"

On page 3, section 4, line 15, after "of this" and before "amendatory" delete "1973" and insert "1974"

On page 4, section 5, line 7, after "of this" and before "act" delete "1973" and insert "1974 amendatory"

On page 4, section 6, line 33, after "income" and before "during" insert "of the type referred to in RCW 84.36.370, as now existing or hereafter amended,"

On page 5, section 6, line 3, after "interest of the" delete "state" and insert "county"

On page 5, section 7, line 7, after "county" and before the comma delete "assessor" and insert "treasurer"

On page 6, section 11, line 7, after "of this" and before "amendatory" delete "1973" and insert "1974"

On page 6, section 11, line 12, after "of this" and before "amendatory" delete "1973" and insert "1974"

On page 7, section 14, line 3, after "will be" and before "years" delete "sixty" and insert "fifty-five"

On page 7, section 14, in lines 16 and 17, delete "(even if such spouse is less than sixty-two years of age)"

On page 8, section 17, line 10, after "retired" and before "persons" delete "or disabled"

On page 8, section 17, line 11, after "of this" and before "amendatory" delete "1973" and insert "1974"

On page 8, section 18, line 14, after "of this" and before "amendatory" delete "1973" and insert "1974"

On page 8, section 19, line 16, after "of this" delete "1973" and insert "1974"

On page 8, section 20, line 20, after "This" and before "amendatory" delete "1973" and insert "1974"

Signed by: Senators Fleming, Chairman; Beck, Murray, Ridder, Sellar, Whetzel.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

Senator Whetzel moved adoption of the following amendment:

On page 2, section 2, line 12, after "a" and before "county" strike "city, town, or"

POINT OF INQUIRY

Senator Fleming: "Would Senator Whetzel yield to a question? Senator Whetzel, do you think we have a problem with that as discussed in committee? The reason that was in there, they refer to an area like Ocean Shores or some areas where there might be a consolidation situation and this was put in there sort of as a protection for some of those areas."

Senator Whetzel: "Senator, we never had any clear explanation and it would not apply

in the event of consolidation and I am not certain why it was there and if somebody from Ocean Shores wants, has some special problem, we will take care of that next January. This bill was designed for Pierce County and we King County mice are doing our best to help Pierce County out in this situation."

Senator Fleming: "Okay, I just asked the question because you are the one who raised the question, and this bill refers to the entire state. Pierce County just has a bigger problem."

Senator Whetzel: "There is no other problem. No one else has expressed any interest whatsoever in this piece of legislation other than our country cousins down in Pierce County. We are trying to help them with their problem. We thought we would zero in on their problem; instead of putting a class A county restriction we are going ahead helping Pierce County and without any agricultural exemption or a big city exemption. We are just going ahead and doing it for them."

POINT OF INQUIRY

Senator Canfield: "Would Senator Whetzel yield? Senator, some years ago we had a kind of a lien clause which a lot of people did not like and this has a similar element in it and this has another very interesting thing. I wonder if I read the bill right where it says that if the low income person cannot pay and chooses to defer, then the taxing district will issue bonds, general obligation bonds, which you and I have to pay to make up for his deferral. Is that correct or not?"

Senator Whetzel: "No, they are secured by the property involved in this. It is simply a special assessment deferral program."

Senator Canfield: "Does the bill or does not the bill say that the charge shall be financed through general obligation bonds levied against the entire district?"

Senator Whetzel: "I think maybe when we get to final passage you might want to direct your question on that to Senator Bottiger, who is more cognizant with that aspect of the bill than I am, but I think you are correct that there are—you have to raise the money to pay the contractor who bills the special assessment and if you are going to allow deferred payment you have to get that money from somewhere. So you do issue GO bonds necessary for the deferred assessment. Then as those deferred assessments are ultimately paid, of course, you pay back those GO bonds. You have, in effect, security for the GO bonds. You have the property. You have a lien on the property and all those things so, yes, they are kind of GO bonds but they do kind of have a specific charge on the property which is benefited by the special assessment."

Senator Canfield: "And no charge upon the general taxpayer?"

Senator Whetzel: "The interest on the GO bonds is also picked up and paid as part of the deferral program, so presumably there is no cost to the county overall."

Senator Canfield: "That is one thing I have got to see. I hope that Senator Bottiger will—would he approve of your statement?"

Senator Whetzel: "I cannot speak for Senator Bottiger."

Senator Canfield: "May I ask Senator Bottiger that question, Mr. President?"

Senator Bottiger: "Mr. President, Senator Canfield, I basically approve of Senator Whetzel's statement, if that helps. The testimony that we have had on this bill, first of all you should know that cities already have this authority with a similar deferral program. Counties had never really asked for it because they never got into this kind of business before. But now they are under the county service bill in the sewer business and so they asked for the same type of deferral for the low income, retired or disabled people that cities were able to get. Drawing on the experience of cities, we found that very, very few people ever used this but the rare case where it is necessary for someone to be able to stay in their home, it permits that use. Now in Oregon the use, and I do not have the exact figure, but it was strikingly small, and the cities reported at the hearing that they had very, very few people applying in cities. But again, the rare case, it was necessary to keep the person in their home. As a result, the cities, rather than ever issuing bonds, simply picked it up in the slack money in a project and were able to continue that on and as the person who had applied died or sold the property or something, they paid off the obligation and the whole

thing worked out. But it takes care of the few cases where somebody simply cannot pay that assessment and stay in their home, and they are able to apply and go under this system."

On motion of Senator Whetzel, the following amendments were adopted:

On page 3, section 4, line 13, after "Any" strike "city or town in a county or such"

On page 3, section 4, beginning on line 21 with "property" strike all the matter down to and including "residence, and" on line 27, and insert "persons"

Senator Whetzel moved adoption of the following amendments simultaneously:

x On

On page 5, section 7, line 8, after "by the" and before the comma strike "assessor" and insert "treasurer"

On page 5, section 7, line 17, after "to the" and before the period strike "assessor" and insert "treasurer"

On page 5, section 7, line 18, after "county" and before "shall" strike "assessor" and insert "treasurer"

On page 5, section 10, line 33, after "county" and before "or" strike "assessor" and insert "treasurer"

POINT OF INQUIRY

Senator Atwood: "Would Senator Whetzel yield? Senator Fleming I thought picked up that first one in there."

Senator Whetzel: "He did. He picked up the one on line 7."

The motion by Senator Whetzel carried and the amendments were adopted simultaneously.

On motion of Senator Bottiger, Engrossed Senate Bill No. 2981 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2981 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—49.

ENGROSSED SENATE BILL NO. 2981, having received the constitutional majority, was declared passed. 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 Senator Talley:

Permitting the department of labor and industries to insure employers employers against liability arising under the Longshoremen's and Harbor Workers' Act.

REPORT OF STANDING COMMITTEE

April 16, 1974.

SENATE BILL NO. 3307, permitting the department of labor and industries to insure employers against liability arising under the Longshoremen's and Harbor Workers' Act (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 12, section 1, after "and" and before "pay" insert "such employers"

On page 2, following section 2, insert:

"NEW SECTION. Sec. 2. Notwithstanding any other provision of this Title, employees

(their dependents or heirs) of the state, any municipal corporation or political subdivision who would be covered under the provision of the Longshoremen's and Harbor Workers' Compensation Act (44 Statute 1424-1446; 33 USC, (903-950) except for the provisions of 33 USS03 (2) shall receive benefits under this title which are identical to the benefits of the Longshoremen's and Harbor Workers' Compensation Act. The department may, from time to time, determine classifications and occupations of employees and fix rates of premiums to be paid by such public employers to maintain the actuarial solvency and defray the cost of administration."

Signed by: Senators Connor, Chairman; Grant, Jones, Matson, Ridder, Sellar, Woody.
The bill was read the second time by sections.

On motion of Senator Grant, the committee amendments were adopted with three technical corrections made by the Secretary of the Senate at the request of Senator Grant.

On motion of Senator Talley, Engrossed Senate Bill No. 3307 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3307, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—37.

Voting nay: Senators Atwood, Canfield, Clarke, Connor, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Metcalf, Sellar, Twigg, Woodall—12.

ENGROSSED 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. 3028, by Senator Walgren:

Changing certain hearing requirements regarding franchises along public highways.

The bill was read the second time by sections.

On motion of Senator Walgren, Senate Bill No. 3028 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3028, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Voting nay: Senators Fleming, Francis—2.

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.

MOTION

On motion of Senator Lewis (Harry), there being no objection, Senator Lewis (R. H. "Bob") was excused.

SECOND READING

SENATE BILL NO. 3153, by Senators Dore and Clarke:

Including federal credit unions and savings and loan associations in the definition of "depository" in the "prearrangements contracts act" for cemetery services.

The bill was read the second time by sections.

MOTION

On motion of Senator Dore, Senate Bill No. 3153 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

At 4:30 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order at 5:50 p.m.

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

MESSAGE FROM THE HOUSE

April 19, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3277, with the following amendments:

On page 4, following line 10, add a new section as follows:

"*NEW SECTION.* Sec. 3. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

The limitations on challenges to action taken by a governmental entity under section 2 of this 1974 amendatory act shall not constitute the time limits for a challenge or appeal on the adoption of rules by state agencies, political subdivisions, public or municipal corporations or counties, but the limitations under section 2 of this 1974 amendatory act shall apply to a challenge or appeal of such rule adoption on grounds of noncompliance with RCW 43.21C.030 (2) (c)."

Renumber remaining sections consecutively.

On page 4, line 16 after "board." insert the following:

"The council shall be abolished and shall cease to exist at midnight, June 30, 1976. The guidelines established by the council prior to midnight, June 30, 1976, shall continue to be valid and of force and effect, except as they are thereafter amended by further guidelines promulgated by the department of ecology, in accord with chapter 34.04 RCW.

Upon the abolishment of the council on June 30, 1976, all powers, duties and functions of the council are transferred to the department of ecology."

On page 6, line 32 after "RCW" insert ": PROVIDED, That the rules and guidelines adopted by the council under section 5 of this 1974 amendatory act shall be submitted during December, 1974".

On page 8, line 6 after "be" insert "adopted in accordance with the provisions of chapter 34.04 RCW and shall be".

On page 8, line 16 after "hundred" strike "twenty" and insert "eighty".

On page 10, line 17 after "application." add the following: "Whenever the procedures established pursuant to chapter 90.62 RCW are used, those procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030(2) (c). The time limits for challenges provided for in section 2(2) of this 1974 amendatory act shall be applicable when such procedures are so utilized."

On page 10, following line 27, add a new section as follows:

"*NEW SECTION.* Sec. 15. There is appropriated from the general fund to the council, the sum of one hundred thousand dollars, or so much thereof as shall be necessary to carry out the purposes of this 1974 amendatory act."

Renumber the remaining sections consecutively., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Washington, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3277.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3277, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3277, 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 Atwood, there being no objection, Senator Lewis (R. H. "Bob") was excused.

THIRD READING

SENATE BILL NO. 3153, by Senators Dore and Clarke:

Including federal credit unions and savings and loan associations in the definition of "depository" in the "prearrangements contracts act" for cemetery services.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3153.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3153, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Lewis (R. H. "Bob")—1.

SENATE BILL NO. 3153, having received the 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 Mardesich, the Senate commenced consideration of Senate Resolution 1974-254.

On motion of Senator Talley, the names of Senators Talley and Henry were added as sponsors to Senate Resolution 1974-254.

Senator Marsh moved adoption of the following resolution:

SENATE RESOLUTION 1974-254

By Senators Marsh, Henry and Talley:

WHEREAS, The City of Vancouver, Washington, will sponsor a Sesquicentennial Celebration to commemorate the establishment of Fort Vancouver by the Hudson Bay Company in 1825; and

WHEREAS, This was the earliest permanent settlement of white persons in what is now the northwestern United States; and

WHEREAS, Under the leadership of Dr. John McLoughlin, chief factor for the Hudson Bay Company, Fort Vancouver served as the trading center for fur trappers and traders for the Indian peoples of the region; and

WHEREAS, The fort supplied grain and supplies to settlers entering the Willamette Valley to the south, and served the medical needs of all persons in the region as the first hospital of the Northwest; and

WHEREAS, It was in this area where the industries of fishing, lumbering, and agriculture had their origins in what was then the Oregon country; and

WHEREAS, Fort Vancouver was designated a National Historical Site in 1957, and the stockade, including the bastion, are now fully reconstructed on the original site by the Columbia River in Vancouver, Washington; and

WHEREAS, The Citizens Stamp Advisory Commission is collecting signatures requesting the Postmaster General to issue a commemorative stamp on the occasion of the Sesquicentennial Celebration;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does hereby commend and support the City of Vancouver for its sponsorship of the Fort Vancouver Sesquicentennial Celebration, and further does hereby recognize and commend the Fort Vancouver Historical Society for its valuable efforts and accomplishments in the preservation of Fort Vancouver; and

BE IT FURTHER RESOLVED, That the Senate does hereby request that the United States Post Office issue a commemorative stamp block on March 10, 1975, on the occasion of the Sesquicentennial Celebration in honor of the early days of the Fort Vancouver era; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Mayor of the City of Vancouver, the Fort Vancouver Historical Society, the Postmaster General of the United States, and to each member of the congressional delegation from the state of Washington.

POINT OF INQUIRY

Senator Talley: "Will Senator Marsh yield to another question? Could we include in the resolution that our names be placed on the stamp?"

Senator Marsh: "We did not include that, Senator Talley."

Senator Talley: "Can you add that?"

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

President Cherberg assumed the Chair.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the Senate Chamber of Queen Lori Brant and Princess Pam Caddy of the West Seattle Hi-Yu, and appointed Senators Greive, Woodall, Walgren and Guess to escort the honored guests to the rostrum.

The President turned the gavel over to Senator Greive to introduce the Royalty.

Business was suspended to permit Senator Greive and the honored guests to address the Senate.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

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

MESSAGES FROM THE HOUSE

April 20, 1974.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 94, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 20, 1974.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 151, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 18, 1974.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 184,
ENGROSSED HOUSE BILL NO. 241,
SUBSTITUTE HOUSE BILL NO. 550,
SUBSTITUTE HOUSE BILL NO. 779,
SUBSTITUTE HOUSE BILL NO. 869,
ENGROSSED HOUSE BILL NO. 1177,
SUBSTITUTE HOUSE BILL NO. 1230,
ENGROSSED HOUSE BILL NO. 1279,
HOUSE BILL NO. 1404,
SUBSTITUTE HOUSE BILL NO. 1504,
HOUSE BILL NO. 1526, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 184, by Representatives Tilley, Hansen, Haussler and Curtis:

Expanding the definition of first class public utility districts.

MOTION

On motion of Senator Walgren, Engrossed House Bill No. 184 was referred to the Committee on Local Government.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 241, by Representatives King, Maxie, Smythe, Lysen, Charnley and Eng:

Exempting from fees those community college students completing high school.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 550, by Judiciary Committee (originally sponsored by Representatives Ellis, Garrett, Hansen, Morrison, Newhouse, Benitz, Flanagan and Johnson):

Relating to district court judges.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 779, by Committee on Education (originally sponsored by Representatives Johnson, Fortson and Laughlin):

Implementing laws relating to the teachers' retirement system.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 869, by Committee on Ecology (originally sponsored by Representative Luders):

Relating to air pollution.
Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 1177, by Representatives Charette, Newhouse and Cunningham:

Establishing qualifications for persons assessing personal property.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1230, by Committee on Social and Health Services (originally sponsored by Representatives Jastad, Chatalas, Conner, Moon and Matthews):

Providing for dental examining board and dental examiners.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 1279, by Representatives Douthwaite, Blair, Chatalas, Kraabel and Nelson:

Raising renewal fees for professional engineers and surveyors.
Referred to Committee on Commerce.

HOUSE BILL NO. 1404, by Representatives Ceccarelli and Pardini:
Revising prescribed period for holding annual meetings of banks and trust companies.
Referred to Committee on Financial institutions.

SUBSTITUTE HOUSE BILL NO. 1504, by Committee on Social and Health Services (originally sponsored by Representatives Adams and Parker):

Enacting the "health act of 1974".
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 1526, by Representative Matthews:
Providing a lien for services by ambulance companies.
Referred to Committee on Social and Health Services.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 94.

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

MESSAGES FROM THE GOVERNOR

Office of the Governor, April 19, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
R. MORT FRAYN, appointed April 12, 1974 for a term ending March 10, 1980, succeeding himself as a member of the Board of Regents of the University of Washington.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 19, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
ROBERT F. PHILIP, appointed April 12, 1974 for a term ending March 10, 1980,
succeeding himself as a member of the Board of Regents of the University of Washington.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 19, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
MEL HAMMER, appointed April 9, 1974 for a term ending April 3, 1979, succeeding
himself as a member of the Board of Trustees for Wenatchee Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, April 19, 1974.

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

LADY AND GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:
MS. MARY K. SKINNER, appointed April 9, 1974 for a term ending April 3, 1979,
succeeding Alex Deccio as a member of the Board of Trustees for Yakima Valley
Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 6:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 2:00 p.m.,
Sunday, April 21, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wash., Sunday, April 21, 1974.

The Senate was called to order at 2:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Odegaard, Twigg and Woodall.

The Color Guard, consisting of Pages Duane Johnson and Karen Marshall, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

“O GOD, OUR LOVING AND COMPASSIONATE FATHER, WHO IS MORE CONCERNED ABOUT THE NEEDS OF YOUR CHILDREN THAN ABOUT THE POPULARITY OF EVEN YOUR OWN NAME: WE COME TO YOU ON BEHALF OF THE SENATE OF THE STATE OF WASHINGTON, AND ALL THOSE WHO ARE MEMBERS OF THIS BODY. WE COME PRAYING, AS IN THOUSANDS OF PRAYERS BEFORE, FOR UNITY OF THOUGHT AND ACTION, LED BY YOUR LOVE. WE COME PRAYING FOR YOUR DIVINE GUIDANCE. WE THANK YOU FOR ALL THE GOOD DECISIONS MADE AT THIS SESSION, AND AT ITS PRECEDING SISTER SESSIONS. WE THANK YOU FOR ALL SENATORS WHO HAVE STRUGGLED AGAINST GREAT ODDS FOR THE BEST THAT THEIR COLLECTIVE CONSCIENCES COULD LEGISLATE. BUT WE PRAY FOR YOUR FORGIVENESS FOR EACH SENATOR WHO HAS HAD A HAND IN BAD LEGISLATION. FORGIVE THOSE WHO HAVE PUT THE GATHERING OF A FEW MORE DOLLARS INTO THE GENERAL FUND AHEAD OF CONCERN FOR THOSE WHO ARE THE YET UNNAMED VICTIMS OF OPEN GAMBLING. FORGIVE ACTION THAT MAY SPELL BODILY TRAGEDY FOR THOSE WHO CONFUSE FLASHING SIGNBOARDS WITH TRAFFIC LIGHTS. FORGIVE ACTION THAT MAY TAKE TOO MUCH PUBLIC WATER FOR TOO SMALL PRIVATE GAIN. FORGIVE ANY EXPRESSIONS WHICH HAVE PUT FUTURE ELECTION RETURNS AHEAD OF THE WELFARE OF ALL OUR STATE'S CITIZENS. WE GIVE YOU THANKS FOR THIS BODY, O GOD. HELP EACH MEMBER TO PUT ASIDE PARTISANSHIP AND PRIVILEGE. SO MANY OF US WANT TO SEE NOBLE QUALITIES IN OUR BODY POLITIC – LIKE PURITY OF MOTIVE, JUSTICE FOR ALL OUR PEOPLE, AND LOVE MADE TANGIBLE FOR EVEN OUR WEAKEST NEIGHBORS. BLESS EVERYONE IN THIS ROOM WHO SEEKS THESE GODLY ENDS AND FORGIVE THOSE WHO MISS THE MARK, WE PRAY IN THE NAME OF THE MASTER, WHOSE LOVE WAS COMPLETE, EVEN UNTO THE END. AMEN.”

MOTION

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

Senators Mardesich, Greive and Guess demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "I would just like to announce that today is opening day of fishing season and the lowland lakes of the state are crowded with fishermen. And in addition to that, if Abe Lincoln were alive today he would roll over in his grave."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 3042.

SECOND READING

SENATE BILL NO. 3042, by Senators Grant, Connor, Dore, Mardesich and Ridder:
Enacting a state labor-management relations act.

MOTION

On motion of Senator Grant, Second Substitute Senate Bill No. 3042 was substituted for Senate Bill No. 3042, and the substitute bill was placed on second reading and read the second time in full.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, may I ask of Senator Grant, in preparing amendments, I noticed in the Digest that the bill purportedly at least pursuant to the Digest, did not exempt agricultural employees and I wanted to prepare an amendment to see that it did. If Senator Grant could respond as to whether it does or not and give me the citation and the place in the bill."

Senator Grant: "Mr. President, Senator Bottiger, agricultural employees are excluded by the act on lines 21 and 22 on page 2. They are excluded in the definition of the term 'employee'."

Senator Bottiger: "Thank you, Senator Grant. I see those references on lines 21 and 22 of page 2 expressly excluding agricultural employees, so I do not need an amendment."

REMARKS BY THE PRESIDENT

The President: "A clerical error, Senator Bottiger. It should have been 'excludes' instead of 'includes'."

MOTIONS

Senator Matson moved adoption of the following amendment:

On page 2, line 13, after "organization." add the following: "The term "employer" does not include any employer having fifteen employees or less."

Senator Donohue moved adoption of the following amendment to the amendment by Senator Matson:

Amend the Matson amendment to page 2, line 13, as follows: In the second line of the amendment after "having" strike "fifteen" and insert "five".

Debate ensued.

REMARKS BY SENATOR MATSON

Senator Matson: "This amendment simply puts in a threshold of fifteen employees. It

is our feeling that small employers should be excluded from the act and that is the purpose of the amendment.”

POINT OF INQUIRY

Senator Matson: “Will Senator Grant yield? Senator Grant, you said there is no threshold in the federal act and yet, in effect there is. Is that not true?”

Senator Grant: “Senator Matson, the national labor relations act and, of course, national legislation, can only deal with businesses engaged in interstate commerce and they have set certain requirements as far as what amount of commerce, interstate commerce, must be engaged in. They have also set a dollar amount in the rules of the national labor relations board, but as far as there being a threshold in the act itself, there is none to my knowledge.”

Senator Matson: “My point is this, there are obviously a number of employers in this state who are excluded under the federal act. Most of those are small employers, so in effect there is a threshold in the national act. That is my point.”

Senator Greive: “To answer Senator Matson more accurately, yes, there is a threshold, and in general if it is nonretailing in interstate commerce it is fifty thousand dollars. If it is retailing, it is five hundred thousand dollars. And that is the way that the national labor relations act went to interpret the thing. In other words, rather than going by the number of employees, they used a different device which is the very point we make, that if you do not put a threshold in here that the board itself can either use a device such as they use with dollars or they can use a device the number of employees such as what you suggest, but at least we have left it then to their discretion and that is the important point. In other words, we who do not want a threshold enacted into the bill do not necessarily mean that there are not situations where the bargaining unit should be such that it should not apply. I am sure that there were many, many situations in which it should. But we are saying that this is a case by case consideration and one that should be considered by somebody who is looking at that particular industry at the time, somebody who has presumably information and background which is essential at the time, to make that determination rather than making some determination now that would be meaningful. Obviously, it is going to be pretty hard to find any, if you look at the national act, it is going to be pretty hard to find any employer anywhere who does fifty thousand dollars who does not have more than two employees. Or any retail outfit that does five hundred thousand that does not have more than two employees. So that they just did not address themselves in the national act to the question of threshold as it is being suggested here. They just did not address it at all. They said you have to have at least two and they went a money route. Now it may very well be that our board would decide that money or volume of business is the way to go.”

Debate ensued.

POINT OF INQUIRY

Senator Peterson (Ted): “Would Senator Donohue yield? Senator, when you started out you said that no one had lobbied you at all on the bill. No one has even asked you for it, and I am just trying to figure the rationale as to your statement and your actions that you took. You said that they had not lobbied you, no one had talked to you, but you did amend it to come down to five. Now is that because of your business as farming, is that why you did that? What is the rationale on that?”

Senator Donohue: “Senator Peterson, I am concerned, of course, about the fact that as I mentioned that eventually somebody is going to make a move to put all agricultural laborers under this act. But I am more concerned about getting this thing out on the floor and getting some action and getting the thing going so we can all go home. We have been messing around here talking about this for the last week and it is time we get down to the nitty gritty and vote. Now I have things to do. Maybe some do not, but I have work to do at home and I intend, if at all possible, to bring this out here and get a vote on it so we can all go home. I think that is what we all want to do. That is the reason.”

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Bailey: "If we vote five instead of fifteen, is the body then able to vote no threshold or have we made a decision?"

REPLY BY THE PRESIDENT

The President: "The President believes that the members of the Senate could vote the amendment as amended down and that, in essence, would leave no threshold."

The President declared the question before the Senate to be the amendment by Senator Donohue to the amendment by Senator Matson.

Senator Dore demanded a roll call and the demand was sustained by Senators Bailey, Washington, Connor, Peterson (Lowell), Herr, Rasmussen, Walgren, Ridder, Van Hollebeke and von Reichbauer.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Donohue to the amendment by Senator Matson.

ROLL CALL

The Secretary called the roll and the amendment by Senator Donohue to the amendment by Senator Matson was adopted by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Atwood, Bottiger, Canfield, Day, Donohue, Francis, Guess, Henry, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Talley, Twigg, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—33.

Voting nay: Senators Bailey, Beck, Clarke, Connor, Dore, Durkan, Fleming, Grant, Greive, Herr, Knoblauch, Rasmussen, Ridder, Stortini, Van Hollebeke, von Reichbauer—16. Debate ensued.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President and members of the Senate, Senator Francis certainly does not use any logic and if he is illogical he has no business talking for me in explaining the way I voted. I voted against that amendment. I intend to vote against the amendment that is before us. I did not believe in any threshold. Now, any way you want to twist that, Senator Francis, do so but keep it honest."

The President declared the question before the Senate to be the adoption of the amendment by Senator Matson as amended by Senator Donohue.

Senator Greive demanded a roll call and the demand was sustained by Senators Woody, Walgren, Francis, Dore, Mardesich, Herr, Connor, Van Hollebeke and Knoblauch.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "With the leave of the Senate, I might add a comment or two. There has been an attempt to try to straighten out how people are voting, and the fact of the matter is that in enacting any piece of legislation there is a certain amount of compromise involved. And I think the fact is that without a threshold of five, if the threshold had been any lower, there would be no state labor relations act passed at this time. And I think that there are those of us who feel better than to have no bill at all that we should go with the threshold of five. There are those people in labor who take the position that they do not believe that is so. Well, I think that they are better off that way than the other way. Like anyone else, I also understand a little bit about negotiation. If you want to be high, why you start a little higher and then you come down. So I understand the name of that game, and I think that I have had enough labor people talk to me about their feelings on the matter, and they would rather have the bill with a threshold of five than have no bill at all. And that is enough to make my mind up."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the amendment by Senator Matson, as amended by Senator Donohue.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Atwood, Canfield, Clarke, Day, Donohue, Fleming, Francis, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Talley, Twigg, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—35.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Dore, Durkan, Grant, Greive, Herr, Rasmussen, Ridder, Stortini, Van Hollebeke, von Reichbauer—14.

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

EXPLANATION OF VOTE

In explanation of our vote on the amendment to the amendment on Senate Bill No. 3042, which would have lowered the threshold from 15 to 5, we voted against the amendment to the amendment and against the amendment itself because we did not believe in *any* threshold in the bill.

Signed by: Senators Bailey, Greive, Dore, Ridder and von Reichbauer.

MOTIONS

On motion of Senator Grant, the following amendments were adopted:

On page 2, line 27 strike "employee" and insert "employer".

On page 5, line 21, after "director" insert ", with such additional legal assistance consistent with chapter 43.10 RCW,"

On page 5, line 28, after "employees" insert ", including attorneys,"

On page 17, line 4, after "subsection" strike "(b)" and insert "(2)".

On page 17, line 8, after "subsection" strike "(c)" and insert "(3)".

On page 18, line 23, strike "(c)" and insert "(3)".

On page 20, line 1, after "board" insert "or the charging party".

On page 20, beginning on line 1, after "petition the" strike "court of appeals" and insert "superior court".

On page 21, line 1, after "by the" strike "supreme court in the manner provided by law." and insert "appropriate court of appeals if application was made to the superior court as hereinabove provided, and by the supreme court in the manner provided by law."

On page 23, line 16, strike "8" and insert "9".

Senator Lewis (Harry) moved adoption of the following amendment:

On page 2, beginning on line 21, strike "as an agricultural laborer, or".

Debate ensued.

On motion of Senator Matson, the amendment by Senator Lewis (Harry) was laid upon the table.

Senator Greive moved adoption of the following amendment by Senators Greive, Fleming and Grant:

On page 8, line 7, after "act" strike the period, insert a semicolon and the following:

"(6) To refuse to bargain with or to refuse to cooperate with or assist any labor organization regarding compliance with the conditions of an affirmative action program or any program or plan designed to assure compliance by the employer with the provisions of state or federal laws relating to equal employment opportunity for all regardless of race, creed, color, national origin, sex, marital status or physical or mental handicap."

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Fleming yield? Senator Fleming, in my particular instance from a legislative district with very few number of minorities, not all Belgians either, would this require under this program a certain percentage of minorities who would have to be brought into my district?"

Senator Fleming: "Senator Odegaard, an affirmative action program really does not deal necessarily in percentages. What they are trying to do is eliminate situations that have been there in the past. You might not have a certain percentage of minorities or blacks in your community, but you probably have Indians, Chicanos, or whatever, and they are minorities. And what affirmative action program does is to try to make sure that those people get a chance that they have not gotten before, by hiring them, by training them, and by trying to retain them, but it does not say that you have to have a certain percentage. Now, the company itself develops a plan as it relates to the federal guidelines and so forth and says that, 'We will make a reasonable effort to do these kinds of things,' and hopefully that plan that they set up will be in accordance with the guidelines that are set up on the federal level. And according to the area, if you have a small percentage of minorities, then your affirmative action program will be dealing around a smaller percentage of minorities than in Seattle or elsewhere."

Senator Guess: "To further clarify for Senator Odegaard, the minority population in eastern Washington, for instance, is approximately two percent. The home town plan or what we call the Spokane plan and then the plan that is called the Southeast Washington plan goes up to about four percent minority in the plan. They have worked this thing out on a very logical method. The big problem that we have had is getting apprentices into these plans and to retain them. And as long as one employer, it does not require that a single employer have four percent of his people on his payroll as long as he is a member of the area plan, and the area is employing the four percent in the apprenticeship grades of all of the crafts, then he is then held to be in compliance. So I think this amendment will help us in retaining and training the minorities that we need to train."

POINT OF INQUIRY

Senator Van Hollebeke: "Mr. President and members of the Senate, first, would Senator Fleming please yield to a question? Feel up to it, Senator Fleming? I am really looking for a little help on this and as far as I can tell, we both have the same aims in mind here. I do not want to see any discrimination in any way because of race, creed, color, etc. Can you tell me, if we did not do this, do we already have sufficient protection under present law, both federal and state statutory and constitutional – that is statutory too of course – law? Do we really need this, as you understand it, to accomplish these ends?"

Senator Fleming: "To answer your question, Senator Van Hollebeke, we do need it. We do have federal laws and they set out guidelines, but we do also have projects that deal with local funds and state funds and we have some executive orders that deal with state agencies, but we do not have all the protection that we need, and what this does is reiterate the policy of our state and try and make possible that these things take place because you have to realize that there are labor unions that are under court order now in the city of Seattle because they have not really agreed to go along with . . ."

Senator Van Hollebeke: "They are under court order to comply?"

Senator Fleming: "Yes."

Senator Van Hollebeke: "That they have been out of compliance and have been ordered to comply?"

Senator Fleming: "Yes."

Senator Van Hollebeke: "But you said now we need to reiterate, and that is the main purpose here, to reiterate? What I am worried about is sometimes that we may possibly confuse the law, make it ambiguous by adding this in many places. And that is what I am trying to address myself to, partly."

Senator Fleming: "I do not think we will be confusing anyone. I think that we will be putting those labor unions that said that they are interested in all workers on notice that the

state of Washington means business when we said that we want everybody to have an opportunity in this state to get a job, to be trained, to advance, be they minority or female."

Senator Van Hollebeke: "You have answered my question. Thank you."

The motion by Senator Greive carried and the amendment by Senators Greive, Fleming and Grant was adopted.

Senator Matson moved adoption of the following amendment:

On page 10, line 21, after "exaction" and before the semicolon, insert ", for makework or services which are not performed or not to be performed".

Debate ensued.

POINT OF INQUIRY

Senator Greive: "You will notice that before I spoke against the amendment I wanted to get more clarification because I am not all that sure on this myself. Maybe Senator Grant or Senator Matson, one or the other, can answer me. Let us assume that somebody has to show up to be on hand and there may be no work for them. If you require somebody to show up under the NLRB or under the decisions of the court, can you insist on negotiating compensation for them? Standby time? That is what I want to know."

Senator Guess: "Senator Greive, yes, you do have to negotiate for a show-up time, and I know of no contract that does not have at least a four hour show-up time and some of them six. This is, as Senator Greive has said, in the present federal law. There is another case, Senator Grant, that is known as the Philadelphia Door case, and I think that there are other cases that have been tried and are a matter of record, so it has been upheld by the Supreme Court."

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

Senator Fleming moved adoption of the following amendment by Senators Fleming, Lewis (Harry) and Mardesich:

On page 11, line 21, after "section." add a new subsection as follows:

"(8) To refuse to bargain with or to refuse to cooperate with or assist any employer regarding compliance with the conditions of an affirmative action program or any program or plan designed to assure compliance by the employer with the provisions of state or federal laws relating to equal employment opportunity for all regardless of race, creed, color, national origin, sex, marital status or physical or mental handicap."

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Will Senator Fleming yield? Just a point of inquiry, can you tell me why there is no reference to age? Senator Guess made a kind of superficial reference to that and I was wondering if there was some point in not having age encompassed in this?"

Senator Fleming: "If you would like to offer an oral amendment for age, so be it."

Senator Ridder: "I would like to do that."

On motion of Senator Ridder, the following amendment to the amendment by Senators Fleming, Lewis (Harry) and Mardesich was adopted:

Amend the amendment to page 11, line 21, as follows:

On the last line of the amendment after "origin," and before "sex," insert "age,".

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lewis (Harry) moved that the Senate reconsider the vote by which the amendment by Senators Greive, Fleming and Grant was adopted to page 8, line 7.

Debate ensued.

The motion by Senator Lewis (Harry) carried and the Senate moved to reconsider adoption of the amendment by Senators Greive, Fleming and Grant to page 8, line 7.

On motion of Senator Lewis (Harry), the following amendment to the amendment was adopted:

Amend the amendment to page 8, line 7, as follows:

On the last line of the amendment after "origin," and before "sex," insert "age,".

The motion by Senator Lewis (Harry) carried and the amendment by Senators Greive, Fleming and Grant, as amended by Senator Lewis (Harry), was adopted.

Senator Matson moved adoption of the following amendment:

On page 11, section 10, line 27 after "benefit," insert a new section as follows:

"NEW SECTION. Sec. 11. It shall be a violation of this chapter for either an employer or a labor organization to file an unfair labor practice charge which is determined by the board to be without evidence of probative value and to have been brought for purposes of harassment. At such time as the board finds any unfair labor practice charge to be without evidence of probative value and in violation of this chapter, the board shall consider the issue of whether the party in violation should be taxed for the reasonable costs, including reasonable attorneys' fees incurred by the board and by the charged party in investigating and defending such charges."

Renumber the remaining sections accordingly.

Debate ensued.

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

Amend the Matson amendment to page 11, line 27 as follows:

On the third line of new section 11, added by the Matson amendment, after "board" insert "in a separate hearing".

MOTIONS

On motion of Senator Guess, further consideration of the amendment by Senator Matson to page 11, section 10, line 7, as amended by Senator Whetzel, was ordered held after the next proposed amendment by Senator Matson.

Senator Matson moved adoption of the following amendment:

On page 16, line 5, after "it" strike all the matter down through "thereof" on line 12 and insert: "determines that the petition is valid it shall direct an election by secret ballot, certify the results thereof and certify as exclusive representative the labor organization for which the majority of the employees within the unit shall have voted if the majority shall vote for representation by any labor organization."

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Would either Senator Grant or Senator Greive yield? In this bill, what provisions are there for elections? And perhaps as a corollary of that, under what situations if this amendment did not pass would there be elections held with small units?"

Senator Greive: "Number one, wherever there is any question, as Senator Guess has been pointing out, there will be an election held. So, you know, you do not really have much of a problem. The exact provision, if you would like to turn to it, is on page 16, starting at line 5, 'The board shall investigate such petition and if it has reasonable cause to believe that a question of representation exists shall provide for an appropriate hearing upon due notice.' and so forth and so on. And then it says that it should be investigated by employees, but the decision has to be made by the board and then it shall direct a secret ballot and shall certify the results thereof. Now if I might explain, what I said is valid. I think what Senator Guess is talking about are situations where over a period of many, many years they have worked the problem out. Everybody was not under the national labor relations act at first. I want to remind him that the units there are much larger . . . fifty thousand dollars if it is not retailing, five hundred thousand dollars in a retailing establishment. I also remind him that there is no provision in the national act where the board has to make every one of these decisions. In other words, they have regional boards and so forth that make them and we only have a single board here. And finally, I would like to remind him that here we are dealing with simply thousands of units, and the first time

around I cannot believe that there are not an awful lot of employers that might very well be affected by this act.”

Debate ensued.

POINT OF INQUIRY

Senator Washington: “I will address this question to anyone. If there is a question on the part of the employer whether there has been coercion, could he demand an election under the present wording of the bill?”

Senator Guess: “No, he is just left out in the cold. He takes the decision of the examiner. And this is where this amendment by Senator Matson will protect the employer because he is really treated, Senator Washington, in many of these instances, like a total outsider. He cannot enter into the thing. He has a great deal of difficulty in finding out what is going on and if he even inquires as to what is going on, he can be slapped for an unfair labor charge by a board that has a degree of bias. And we have seen this in the past and this is the reason, in my opinion, that the bill needs to be amended.”

Senator Matson demanded a roll call and the demand was sustained by Senators Atwood, Newschwander, Guess, Greive, Grant, Whetzel, Sellar, Canfield and von Reichbauer.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Matson to page 16, line 5.

ROLL CALL

The Secretary called the roll and the amendment by Senator Matson was not adopted by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Atwood, Canfield, Clarke, Donohue, Guess, Jones, Lewis (Harry), Lewis (R. H. “Bob”), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel, Woodall—19.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—30.

Senator Matson moved adoption of the following amendment:

On page 20, line 1, after “board” and before “shall” insert “or the charging party”.

Debate ensued.

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

Senator Matson moved adoption of the following amendment:

On page 21, line 25, after “board” insert “or the charging party”.

Debate ensued.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Greive moved that the Senate reconsider the vote by which the amendment by Senator Matson to page 20, line 1 was adopted.

POINT OF ORDER

Senator Atwood: “There is a motion pending on the floor and his motion to reconsider a prior amendment is not in order.”

Senator Greive: “A motion to reconsider always takes precedence and a motion to reconsider an amendment must be made immediately or as soon as you can get the floor or you lose your right. Now if you want to make a motion that I can have my right to do it later, I will be all with you.”

Senator Atwood: “I do not care. We are operating with no rules and we just went through this with Senator Ridder’s motion on a prior amendment and I think in the name of orderly procedure you should wait until we are through with this one and then move to reconsider.”

Senator Greive: "Mr. President, I have no objection if I can consider a motion to reconsider and I am not ruled out under Reed's Rules saying that I did not make it immediately. I have no objection to waiting until after we consider this amendment."

RULING BY THE PRESIDENT

The President: "The President believes that the amendment before the group should be acted upon first. Then you will have the right to move for reconsideration."

REMARKS BY SENATOR GUESS

Senator Guess: "Senator Greive lost his chance."

Further debate ensued.

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

The motion by Senator Greive to reconsider adoption of the amendment by Senator Matson to page 20, line 1 was withdrawn.

There being no objection, the amendment on the Secretary's desk to page 21, line 33 was withdrawn.

The Senate resumed consideration of the amendment by Senator Matson to page 11, line 27, as amended by Senator Whetzel.

Senator Guess moved adoption of the following amendment by Senators Francis and Guess:

Strike the Matson amendment as amended to page 11, line 27, and insert the following:

After "benefit." insert a new section as follows:

"*NEW SECTION.* Sec. 11. It shall be a violation of this chapter for either an employer or a labor organization to file an unfair labor practice charge which is determined by the board in a special hearing to be totally without evidence of probative value and to have been brought solely for purposes of harassment. At such time as the board finds a violation of this section, the board shall assess costs, including reasonable attorneys' fees incurred by the board and by the charged party in investigating and defending such charges."

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Grant: "Will Senator Matson yield to a question? Senator Matson, if this amendment is adopted, would you contemplate that the original charges of either the employer or the employee would be investigated and decided upon first without delay?"

Senator Matson: "Insofar as is possible, I would assume."

Senator Grant: "What I am trying to avoid here is any delay being caused by this question of frivolous charges being raised. I would like not to have that as an additional charge in each situation and a determination made on the original charges as rapidly as possible by the board. If that is the case and if that is the intent, then I think I can support your amendment."

Senator Matson: "The only comment in reading the act, I run across language in various stages that the board shall act expeditiously in all matters."

Senator Guess: "Senator Grant, I would say that it would only be in rare instances where somebody was flagrantly harassing would either party petition the board to take action in this case. It is a protective device here and it is pretty stringent either way, so it will only be in unusual cases."

MOTION

On motion of Senator Grant, the above remarks by Senator Guess were included as part of the Journal.

The motion by Senator Guess carried and the amendment by Senators Francis and Guess to the amendment by Senator Matson as amended by Senator Whetzel was adopted.

The motion by Senator Matson carried and the amendment, as amended, was adopted. Senator Metcalf moved adoption of the following amendment:

On page 25, line 29, after "bargaining," add a new section as follows:

"*NEW SECTION.* Sec. 19. No employer or employee organization shall enter into any agreement creating a trust for or providing for employee pension benefits which agreement does not also provide for and allow transfer of benefits by any employee to another pension fund or pension trust upon such employee's change of employer or employee representative."

POINT OF ORDER

Senator Greive: "I raise the question of scope and object on this particular amendment, although I am for the principle of the amendment certainly."

REMARKS BY THE PRESIDENT

The President: "Senator Greive has raised the point that the amendment proposed by Senator Metcalf changes the scope and object of the bill. Senator Guess wishes to amend that particular amendment, I believe, but the President believes that the decision shall have to be made first. Are there further remarks?"

The amendment by Senator Guess on the Secretary's desk was withdrawn temporarily.

RULING BY THE PRESIDENT

The President: "In ruling upon the point of order as raised by Senator Greive, the President finds that the Labor Relations Act, Senate Bill No. 3042, pertains to the rights to organize and sets up methods and rules for negotiations and settlements of disputes. The unfair labor practices prohibited by the bill are those practices which would tend to interfere with the right to bargain collectively.

"The proposed amendment by Senator Metcalf is a specific requirement as to what elements must be in a contract between employer and employee and in no way is designed to further the rights to bargain collectively as the other designated unfair practices.

"The amendment therefore introduces an entire new element in the act and does change the scope and object of the bill. The point of order is well taken."

The amendment by Senator Metcalf was ruled out of order.

Senator Matson moved adoption of the following amendment:

On page 27, beginning on line 1, strike all of section 24.

Debate ensued.

POINT OF INQUIRY

Senator Greive: "Senator Durkan, the question has arisen, if you will look at the last section — can I hand this to you, Senator Durkan — on this particular act there is a motion to strike that particular section. And it deals, of course, with appropriations, and the question in my mind is, is that or is not that in the budget so that we will know intelligently how we can vote on it? And if you do not know, maybe we could delay it long enough to find out."

Senator Durkan: "It is not in the budget."

Senator Bailey demanded a roll call, and the demand was sustained by Senators Greive, Stortini, Day, Whetzel, Francis, Ridder, Newschwander, Washington and Peterson (Lowell).

The President declared the question before the Senate to be the roll call on the amendment by Senator Matson on page 27, beginning on line 1.

ROLL CALL

The Secretary called the roll and the amendment by Senator Matson was not adopted by the following vote: Yeas, 17; nays, 32.

Voting yea: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R.

H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Sellar, Twigg, Wanamaker, Whetzel, Woodall-17.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody-32.

MOTIONS

On motion of Senator Whetzel, the amendment on the Secretary's desk to page 21, section 14, line 4 was withdrawn.

On motion of Senator Grant, Engrossed Second Substitute Senate Bill No. 3042 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

Senators Talley, Woodall and Greive demanded the previous question and the demand was sustained.

There being no objection, Senator Grant was permitted to close debate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3042, and the bill passed the Senate by the following vote: Yeas, 16; nays, 33.

Voting yea: Senators Bailey, Bottiger, Day, Durkan, Fleming, Francis, Grant, Henry, Jolly, Keefe, Marsh, Odegaard, Peterson (Lowell), Sandison, Walgren, Woody-16.

Voting nay: Senators Atwood, Beck, Canfield, Clarke, Connor, Donohue, Dore, Greive, Guess, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Whetzel, Woodall-33.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3042, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Second Substitute Senate Bill No. 3042 failed to pass the Senate.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Greive served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Second Substitute Senate Bill No. 3042 failed to pass the Senate.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3277.

REMARKS BY THE PRESIDENT

The President: "Notice has been received from Senator Greive, but the notice of reconsideration embodies the group."

PERSONAL PRIVILEGE

Senator Woodall: "Mr. President and members of the body, I was born in a home where prayer was given before meals. I was one of those who felt that it would be proper to have prayer in public schools, of noncontroversial nature. Through the years, I have been here longer than anyone in this room. I have always thought it was great to open up the day with thoughtful prayer. But to use the guise of prayer to attempt to influence pending legislation and the votes thereon goes beyond the efficacy of prayer. I call your attention to what happened today. 'Forgive those who for the gathering of a few more dollars in the general fund ahead of the concerns of the yet unnamed victims of open gambling.' Now I think word should go out to the Ministerial Association that in the future that if they are going to use the prayer stand to lobby how the vote should be on matters pending before the body, they ought to register under 276."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I think this is a very serious matter. I do not think it is a laughing matter. I was going to suggest that the Rules Committee perhaps draw up a guideline for the clergy to follow."

REMARKS BY SENATOR DURKAN

Senator Durkan: "I would like to amend that to include the press."

REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, I can sympathize with Senator Woodall, but I think we had better leave this matter strictly alone. I think a minister has a right to say what he likes. He is an ordained minister; if he wants to say what he thinks up there, I am not going to say he cannot do it, and I do not think we should get into that matter at all."

REMARKS BY SENATOR GREIVE

Senator Greive: "Mr. President, I would like to repeat and go along with what Senator Talley says. There is no one in this body for whom I have more respect than Senator Woodall. The problem, of course, is that if a minister speaks from what is in his mind a moral conviction and if a man believes something, it is pretty hard to say something that be the tenet of his faith might not be the tenet of yours. Obviously, the faith I come from plays bingo, so we probably would feel quite a little differently about this whole subject. However, I do not think that the minister in this particular instance is attempting to influence our vote, and maybe it did ruffle a few feathers, but I do think that we should reasonably defend the right of the minister to state at least his personal opinion. I do not think it influenced anyone, anyway."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Just very briefly backing up Senator Talley and Senator Greive, we do have a spectrum of ministers who appear before us from any number of denominations. We have Protestants, we have Catholics. We have various denominations of Protestants who appear before us. Occasionally we have Jewish rabbis, and we are going to get a spectrum of opinion. I think we certainly should leave it up to the judgment of the ministers whom we invite to give the prayer that they think will do us the most good."

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 5:55 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, April 22, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, April 22, 1974.

The Senate was called to order at 10:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Dore, Geive, Lewis (Harry), Newschwander and Scott. On motion of Senator Atwood, Senators Lewis (Harry) and Scott were excused.

The Color Guard, consisting of Pages Robert Hansen and Debbie Jones, presented the Colors. Reverend Charles Loyer, pastor of the Westminster Presbyterian Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, AS WE PICK UP THE CARRY-OVER OF THE PAST AND TURN TO NEW RESPONSIBILITIES WHICH AWAIT OUR ATTENTION, WE PRAY THAT WE MAY BE GIVEN THE INNER RESOURCES TO SEE US THROUGH WHAT WELL MAY BE ANOTHER HECTIC WEEK. BLESS THE LEGISLATORS AS THEY CONTINUE THEIR ENGAGEMENT WITH THE COMPLEX AND STUBBORN ISSUES OF THESE TIMES. DESPITE THE FLACK FROM SELF-STYLED AUTHORITIES OF THE PUBLIC WEAL, GIVE THE LEGISLATORS THE CALMNESS OF MIND, THE STRENGTH OF PURPOSE, AND THE UNITY OF ACTION WHICH WILL BE A CREDIT TO THEIR OFFICE AND WIN THE APPROBATION OF EVEN THE MOST BILIOUS CYNIC. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

April 21, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 491, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 20, 1974.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 447,

SUBSTITUTE HOUSE BILL NO. 867, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTIONS

On motion of Senator Durkan, additional sponsors were permitted on Senate Resolution 1974-252.

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

SENATE RESOLUTION 1974-252

By Senators Durkan, Canfield, Day, Bailey, Guess and Sergeant at Arms, Charlie Johnson:

WHEREAS, The Yakima Nation has lost a truly great leader; and

WHEREAS, Robert B. Jim was born at Dry Creek, Washington; and

WHEREAS, He was a distinguished and valued citizen of the state and a leader of uncommon wisdom and strength of purpose who led his people by example of his own high honor in the pursuit of a more honorable society; and

WHEREAS, He was an Air Force veteran and past commander of Chief White Swan Post No. 191 of the American Legion; and

WHEREAS, He served: as treasurer of the National Congress of American Indians; as secretary for the affiliated tribes of Northwest Indians; as chairman of the American Indian Civil Liberties Trust; as a delegate of the United States at the North American Treaty Organization meeting held in Quito, Ecuador in 1964; and as a member of the board of directors of the National Tribal Chairmen's Association; and

WHEREAS, The president of the United States appointed Robert B. Jim to the National Council of Indian Opportunity; and

WHEREAS, He was instrumental in the founding of and served as a director of the American Indian National Bank; and

WHEREAS, He had many years of service on the Yakima Tribal Council and was first elected chairman of that organization in 1967; and

WHEREAS, Robert B. Jim spent many long and fruitful years working for his people; and

WHEREAS, The members of this body do grieve the passing of this man and wish to recognize the value of his work and the necessity for continued efforts to accomplish his goals and objectives;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that we express our condolences to the family of Robert B. Jim, and declare our recognition of the valuable and outstanding work of this man; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall convey this resolution by document suitably inscribed, to the family of Robert B. Jim, and to the Yakima Tribal Council.

Appropriate remarks were made by Senators Durkan, Canfield and Day regarding Robert B. Jim.

MOTIONS

On motion of Senator Jolly, additional sponsors were permitted on Senate Resolution 1974-251.

Senator Jolly moved adoption of the following resolution:

SENATE RESOLUTION 1974-251

By Senators Jolly, Sellar, Donohue, Day, Odegaard, Bailey, Talley and Washington;

WHEREAS, The agriculture industry is of primary importance to the nation and to the State of Washington; and

WHEREAS, The export of agricultural commodities is necessary to balance the nation's international trade for purchase of petroleum and other commodities essential to the health, welfare and national defense of the United States; and

WHEREAS, The utilization of anhydrous ammonia presently stored in Kenai Peninsula in Alaska is necessary for the maintenance of present agricultural production in the State of Washington; and

WHEREAS, No American vessels can satisfy the provisions of the Jones Act for the shipping or the carrying of anhydrous ammonia between Kenai Point in Alaska and ports in the State of Washington; and

WHEREAS, Foreign vessels are available for this trade; and

WHEREAS, The Secretary of the Treasury has authority under existing conditions to waive the requirements of the federal Jones Act and allow the use of foreign vessels to carry commodities from one United States port to another; and

WHEREAS, The said transportation by foreign ships would greatly alleviate the immediate problem of acquiring supplies of anhydrous ammonia; and

WHEREAS, The wheat growers of the State of Washington may suffer up to \$273,000,000 in reduced production due to the lack of this source of fertilizer; and

WHEREAS, Such loss would adversely affect the balance of trade and the United States labor force and the economy of the State of Washington; and

WHEREAS, The initial request for waiver has been denied;

NOW, THEREFORE, BE IT RESOLVED, That the national administration be advised of the importance of the agriculture industry and labor force, and reconsider the denial of said waiver and permit the use of foreign vessels in transporting anhydrous ammonia by one ship from the Kenai Peninsula in Alaska to ports in Washington for a period of one year, and that Congress be requested to adopt a limiting amendment to the Jones Act providing for the use of one foreign ship to carry anhydrous ammonia from the Kenai Peninsula in Alaska to West Coast ports in Washington for a period not to exceed one year from the enactment of this resolution: PROVIDED, That after the expiration of such one year period, the Jones Act be fully restored to its primary purpose of protecting the American economy and labor force.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the President of the United States Senate, to the Honorable Richard M. Nixon, President of the United States, to the members of the Washington Congressional delegation and to the United States Secretary of the Treasury.

POINT OF INQUIRY

Senator Peterson (Ted): "Would the Senator yield? This Alaska fertilizer, is that fish fertilizer that it is referring to?"

Senator Jolly: "Anhydrous ammonia is what we are referring to, Senator."

Senator Peterson (Ted): "From Alaska?"

Senator Jolly: "Yes."

Senator Peterson (Ted): "I see."

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

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3194.

SECOND READING

SENATE BILL NO. 3194, by Senators Durkan, Bailey and Peterson (Ted):
Providing for increases in police and firemen's pensions.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 3194 was substituted for

Senate Bill No. 3194 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, Substitute Senate Bill No. 3194 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3194 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Bottiger, Greive—2.

Excused: Senators Lewis (Harry), Newschwander—2.

SUBSTITUTE SENATE BILL NO. 3194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, The Senate commenced consideration of Senate Bill No. 2562.

SECOND READING

SENATE BILL NO. 2562, by Senator Walgren:
Relating to transportation facilities.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2562 was substituted for Senate Bill No. 2562 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 9, after "Keystone" and before the comma insert "for as many months of the year as, by determination of the Washington Toll Bridge Authority, shall be reasonably necessary to meet traffic demand"

On motion of Senator Walgren, Engrossed Substitute Senate Bill No. 2562 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2562 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senators Bottiger, Durkan, Fleming, Greive—4.

Excused: Senator Newschwander—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3200.

SECOND READING

SENATE BILL NO. 3200, by Senator von Reichbauer:
Relating to education.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 3200 was substituted for Senate Bill No. 3200 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3200 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3200 and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Newschwander—1.

SUBSTITUTE SENATE BILL NO. 3200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Substitute Senate Bill No. 3200 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of Second Substitute Senate Bill No. 3283.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 3283, by Committee on Ways and Means (originally sponsored by Senators Durkan, Odegaard, Donohue, Bailey, Bottiger, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington and Woody):

Authorizing property tax exemptions to support the elderly, poor, and infirm persons.

The Senate resumed consideration of Second Substitute Senate Bill No. 3283. The substitute bill was under consideration on Saturday, April 20, 1974 and held.

Senator Dore moved adoption of the following amendments by Senators Dore and Donohue and that they be considered simultaneously:

On page 2, line 17, before "or" strike "\$6,000" and insert "\$5,000"

On page 2, line 18, before "fifty" strike "\$6,001-\$7,000" and insert "\$5,001-\$6000"

On page 2, line 20, after "of" and before "or" strike "\$5,000" and insert "\$4,000"

On page 2, line 22, after "residence" insert ": PROVIDED FURTHER, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section".

POINT OF INQUIRY

Senator Atwood: "Would Senator Dore yield? What is the fiscal impact on this particular amendment, do you know?"

Senator Dore: "According to Senator Donohue, I asked him that question, it is three hundred thousand dollars less than it was before. Because we reduced the seven thousand dollar category down to six."

POINT OF INQUIRY

Senator Beck: "Would Senator Dore yield to a question please? Senator Dore, if my memory serves me correctly, under the existing law people with salary incomes not to exceed four thousand dollars are exempted from the total special millage or fifty dollars, whichever is the greater."

Senator Dore: "Special levies, that is right."

Senator Beck: "Yes. Would you explain to me what happens to this fifty dollars now that we are raising the income to five thousand dollars worth of tax relief for property tax. What happens to the fifty dollars?"

Senator Dore: "It remains just the same as it is now."

Senator Beck: "The same as it was? Thank you kindly."

Senator Dore: "Plus you subtract the five thousand dollars from the evaluation of your house."

POINT OF INQUIRY

Senator Francis: "Will Senator Dore yield to a question?" Senator Dore, what is the underlying reason why we make this sixty-two age distinction? Why is it that somebody age sixty-four with an income of under five thousand dollars gets this complete property tax break when somebody age sixty with the same income, under five thousand dollars or somebody age forty with the same income of under five thousand dollars would not get that kind of a tax break?"

Senator Dore: "Well, we established the philosophy of this bill four years ago to give tax relief. Remember when the big reappraisal program which took place in which is now your district and so on? We wanted to give some tax relief to people that already retired, based on these new high appraisals of their homes. So the way we did it, we had to delineate. We did not think we could fiscally afford to give everybody the same break so we wanted to give senior citizens the break. so we thought that sixty-two was the social security age and so we would start there and we have operated under that for four years and this is merely a liberalization of the law we passed four years ago. Or maybe it is only three years ago, Senator."

Senator Francis: "Thank you, Senator Dore. Mr. President, I am going to vote for this bill but I do not think it makes sense. Senator Dore tells me we have established a philosophy or a policy and I have heard of that policy many times from many people but I have never heard a good reason for it except that we get a lot of letters, but it seems to me that a person who is in that income category is going to be suffering regardless of age and I would hope that in some future session that we would consider giving the same kind of breaks to any one who is suffering from that kind of low income, regardless of age."

Senator Dore: "Just answering very briefly, Senator, that is true but you have to kind of crawl before you walk and we thought we would start here and perhaps what you state is very true but we are just not able to do it at this time."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Senator Francis, the rationale is that the sixty-two is the age of retirement. The fellow who is under that age is not forced to retire about ninety percent of the time so he has a chance of upgrading himself but I think the rationale is very sound at age sixty-two. I do not see any great rush to decrease it. The handicapped and the disabled are also under this exemption, of course, so those people who are unable to earn more have always been picked up so I do not think just because a person has a low income, as long as he is able to work and be productive he should pay his fair share of property tax. I might say that this bill, the other taxpayers in those districts where there are elderly, is picking up the burden for the elderly. The state is not. The other taxpayer is. I hope that everyone understands that."

POINT OF INQUIRY

Senator Woody: "Will Senator Dore yield? Senator Dore, am I correct in understanding that you want all of these four amendments considered at once?"

Senator Dore: "Yes."

Senator Woody: "Well I am a little concerned because the last one which reinstates the existing language, about two-thirds of social security, federal service and railroad retirement pension be put back in, I am in favor of that, but of the first three amendments in which you slip the six thousand down to five and the seven thousand down to five from six and the last one from five to four thousand, I am not in favor of that and I realize that there is a fiscal impact and I realize the fiscal impact is not insignificant. I would rather have an opportunity of voting 'no' on the first three amendments and 'yes' on the last one."

Senator Dore: "Speaking briefly to your statement, I do not know exactly how to answer you, Senator. The last amendment, of course, is the existing law which we took that exemption out. And if we put that back in, that has a tremendous impact in dollars. So in order to limit the reduction it was necessary to drop the seven down to six. Now if you want to put that back up, I do not have the figures, I could ask Senator Donohue what that would cost, but this was to keep it within the same dollar exemption that we had on the phase of the bill yesterday. And if you take that out you cannot have both. You cannot put the two-thirds of the social security and also raise the dollar exemptions without a tremendous impact and it was to keep it at the same dollar level so your suggestion would be to skyrocket quite substantially. Now I do not know, if you want to do that, that is fine. I do not know what the figures are. Maybe if you would direct the question to Senator Donohue. Senator Donohue, what are the differences in the figures if he does that?"

Senator Donohue: "Senator Dore and Senator Woody, the reason we reduced that from seven because when we restored the language regarding the social security it had a fiscal impact of about two and one-half million dollars. As you know, in the budget bill we do have about eight hundred thousand dollars in there allocated for reimbursement of local taxes to the schools from regular property tax, so it was more of a fiscal analysis that we change these figures so that we would be in the ball park as far as dollars are concerned."

Senator Woody: "Thank you, Senator Donohue. I understand it is two and one-half or three million dollar difference. I understand we are dealing with senior citizens who are retired and I suppose that if we were to adjust the timber tax from six to six and one-half percent we would pick up this difference and we could pass this legislation and the timber tax and we would not have a revenue loss, net loss, if we did it at six and one-half. I know we are dealing with senior citizens here and I would rather protect them."

POINT OF INQUIRY

Senator Dore: "Would Senator Woody yield to a question? Would you like me to provide that we would vote on each one separately?"

Senator Woody: "I would appreciate it, Senator Dore."

MOTIONS

On motion of Senator Woody, the motion by Senator Dore to consider all amendments simultaneously was amended and the Senate adopted the amendments by Senators Dore and Donohue to page 2, lines 17, 18 and 20 simultaneously.

On motion of Senator Dore, the amendment by Senators Dore and Donohue to page 2, line 22, was adopted.

On motion of Senator Dore, Engrossed Second Substitute Senate Bill No. 3283 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3283 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Waigren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Voting nay: Senator Bottiger—1.

Absent or not voting: Senators Grant, Murray—2.

Excused: Senator Newschwander—1.

ENGROSSED SECOND 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. 3062, by Senators Lewis (Harry) and Sandison:

Authorizing the sale and redemption of general obligation bonds for the construction and furnishing of higher education buildings and facilities.

REPORT OF STANDING COMMITTEE

April 17, 1974.

SENATE BILL NO. 3062 authorizing the sale and redemption of general obligation bonds for the construction and furnishing of higher education buildings and facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17, strike "(SB . . .)" and insert "(SSB 3253)"

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Dore, Fleming, Grant, Lewis (Harry), Metcalf, Peterson (Ted), Sandison. The bill was read the second time by sections.

MOTIONS

On motion of Senator Durkan, the committee amendment was adopted.

On motion of Senator Scott, Senator Murray was excused.

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

On page 1, line 13, after "of" and before "or" strike "five million seven hundred and twenty thousand one hundred and eighty dollars" and insert "seven million eight hundred one thousand eighty dollars"

On motion of Senator Durkan, Engrossed Senate Bill No. 3062 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Durkan yield to a question? It says it relates to issuance of five seven two zero one zero eight general obligation bonds. Is Evergreen College in this?"

Senator Durkan: "That is Evergreen and Western."

POINT OF INQUIRY

Senator Fleming: "Do you want to answer that, Senator?"

Senator Atwood: "The House, in the January session we deleted the six million dollar technology building."

Senator Fleming: "For Evergreen."

Senator Atwood: "No, for Western. In place thereof is one point eight million for including the technology facilities in another building and that is what I added to one point eight. In the budget that is going to be before you in a little while, that one point eight is in that budget. I neglected to offer it up here simply because you people got that budget out too fast for me."

POINT OF INQUIRY

Senator Woody: "Will Senator Durkan yield? Senator Durkan, you have mentioned that this is now in order because, I think you said evidently we have agreed that these same matters will be in the budget bill. Is that correct?"

Senator Durkan: "They are in the budget bill."

Senator Woody: "But we have not passed the budget. It is still a wrestling match?"

Senator Durkan: "Where?"

Senator Woody: "The budget bill."

Senator Durkan: "Where? Senator Woody, the Senate passed the capital bill. The House has added the Western Washington one point eight. It is coming back over. I would suspect that there are sufficient votes to include both those items in the Senate. It is a matter of judgment. If we are to wait on this we will probably end up doing nothing as far as enabling the construction of these two facilities."

Senator Woody: "My only question is, I know there is a Senate bill, whether this should not go along with the budget bill at the same time, not of course incorporated."

Senator Durkan: "I agreed with you, Senator. We are only about five days late. It should have gone over with the budget bill. You are absolutely correct and we are late in doing it and I am trying to correct that now."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3062, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel—43.

Voting nay: Senators Guess, Rasmussen, Woodall, Woody—4.

Excused: Senators Murray, Newschwander—2.

ENGROSSED SENATE BILL NO. 3062, having received the constitutional 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 Bailey, all bills passed by the Senate thus far today were ordered immediately transmitted to the House.

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

MESSAGE FROM THE HOUSE

April 22, 1974.

Mr. President: The House stands on its previous position and refuses to recede from the amendments to SUBSTITUTE SENATE BILL NO. 3145, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Substitute Senate Bill No. 3145: Representatives Pardini, Gaspard and Ceccarelli.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the request of the House for a conference on Substitute Senate Bill No. 3145 was granted.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3381.

SECOND READING

SENATE BILL NO. 3381, by Committee on Local Government (endorsed by Senators Whetzel, Fleming, Murray, Sellar, Jolly, Ridder, Beck, Lewis (R. H. "Bob") and Talley):

Prohibiting any state agency from requiring the covering of any water reservoirs.

The bill was read the second time by sections.

MOTIONS

On motion of Senator Whetzel, Senate Bill No. 3381 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Clarke, Senator Jones was excused.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Whetzel yield to a question? Senator Whetzel, I can understand now some of your views when you say you have been drinking, I mean water and all that other stuff. But my direct question is, are you doubting the wisdom of the Ecology and the various other departments? I thought I heard you stand on this floor and tell us that they were supreme in their decisions and for the good of everybody."

Senator Whetzel: "I do not think you ever heard me say that. As you may know, earlier this session we passed a resolution where I — dealing with the clean air act — had some very serious doubts about the wisdom and sanity of the Environmental Protection Agency and the Department of Ecology and their regulations in that regard. I have some questions about the wisdom of this regulation, and I shall continue to question the regulations of all state agencies, as I am sure you will, too."

Senator Rasmussen: "Just as long as you are sure, Senator. I did not want you to lose your binoculars by reason of voting on this bill the wrong way."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3381, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Keefe,

Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Excused: Senators Jones, Murray, Newschwander—3.

SENATE BILL NO. 3381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 3121.

SECOND READING

SENATE BILL NO. 3121, by Senators Francis and Van Hollebeke:

Authorizing the appointment of additional judicial officers in municipal courts.

President Cherberg assumed the Chair.

The bill was read the second time by sections.

On motion of Senator Francis, Senate Bill No. 3121 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3121, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Voting nay: Senators Guess, Rasmussen—2.

Excused: Senators Jones, Murray, Newschwander—3.

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.

MOTION

On motion of Senator Francis, Senate Bill No. 3121 was ordered immediately transmitted to the House.

MOTION

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

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry and Kraabel):

Preserving allocations of urban arterial trust account funds when construction delayed due to court order.

MOTION

On motion of Senator Greive, Substitute House Bill No. 867 was referred to the Committee on Rules.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Washington and Atwood to escort Senator and Mrs. Damon R. Canfield to a place of honor upon the rostrum.

MOTION

Senator Knoblauch moved adoption of the following resolution:

SENATE RESOLUTION 1974-256

By Lieutenant Governor John A. Cherberg; Senators Knoblauch, Atwood, Bailey, Bottiger, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody:

WHEREAS, Damon R. Canfield has served the 15th Legislative District as a member of the House of Representatives from 1953 through 1967; and

WHEREAS, Damon Canfield has served the Eighth District of the State of Washington as a Senator from 1967 through 1974; and

WHEREAS, Senator Canfield has served this district comprised of Benton and part of Yakima Counties with honor and distinction and has always placed the needs of his constituency foremost in his mind in making legislative decisions; and

WHEREAS, Damon imparted his sense of honor and patriotism to the children of the Yakima Valley for 27 years as a grade and high school teacher, athletic coach and past president of the Yakima Classroom Teacher, the Washington Vocational Association, and the Washington Education Department of Classroom Teachers; and

WHEREAS, Damon has been a primary force in securing the foundation of the state's agricultural industry as president or chairman of the Yakima Valley Angus Association, the Washington State Angus Association, the Central Washington Fair, the Washington Cherry Institute, the Washington Poultry Association, the Lower Valley Soil Conservation District, the Washington State Cherry Marketing Committee, member of the Washington Fruit Commission, director of the Washington Fairs Association, member of the Farm Bureau, and 50-year Grange member and Past Grange Master; and

WHEREAS, Damon has served his country admirably as a Navy veteran of World War I, and a member of the American Legion; and

WHEREAS, Damon, who was born in Arkansas, has lived in the Yakima Valley with his wife Marie for the last fifty-three years, and given of himself unstintingly to the people of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does hereby honor Damon R. Canfield as having the longest continuous legislative service of any Republican legislator now serving; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington does hereby honor Damon as an outstanding legislator, a dedicated leader of men and a compassionate human being; and

BE IT FURTHER RESOLVED, That Senator Canfield carry with him always our affection and highest esteem.

The President of the Senate introduced Senator and Mrs. Canfield, and the following remarks were made to the honored couple:

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Senator and Mrs. Canfield, Mr. President and members of the Senate, and ladies and gentlemen in the gallery, sometime ago a few of the members of the Senate decided that it would be nice to pay tribute to members of this body who were going to retire. And so today we honor a veteran, a farmer, a teacher, a legislator, a citizen extraordinary. Damon Canfield, today we members of the Senate in behalf of the citizens of the state of Washington pay tribute to you for your many years of wonderful service. It is

easy to say good things about you, but it is hard to say goodbye to one whom we hold in such high esteem. Damon Canfield is a veteran of World War I, a member of the American Legion, and one who is most proud to have served in behalf of his country. Damon Canfield spent twenty-four years as a farmer, owner and operator of fruit and cattle ranches near Granger. He is a very proud member of more than fifty years of the Washington State Grange and a Past Master of this grange. He has held so many positions as chairman or president of so many organizations of the farmers and of course this is another tribute to the life of Damon Canfield.

"Teacher, twenty-seven years a teacher in the state of Washington, and Senator Canfield, you are still a professor. You have gotten up on your feet over there. You have corrected our spelling; you have corrected our English; you have corrected our sentence construction; and you have still been giving your famous lectures. You will always be a teacher and because of this we respect you even more.

"Legislator, good one, you bet. Twenty-two years of service to the people of the state of Washington, to Benton and part of Yakima county. You have been faithful to your responsibilities. You have sat through long committee meetings. I know about this because I know that Ways and Means works many long hours. You have not gone home, Damon. You sat and you assumed your responsibility. You put some of the younger members of the Senate to shame. And you have sat here on many important roll calls that were tough to make and never once did you evade the decision to assume your responsibility. Damon, in this time of the history of our country there has been a tragic loss of respect for public servants, and I say tragic because it is a tragedy for America. Our form of government may not be perfect but in our country we have thousands of people like Damon Canfield who have served well and who have brought credit to the word 'politician.' And, Damon, you are a credit to public service and you are a credit to the word 'politician.' You can hold your head high. You have kept the good faith. Your ideals have been of the highest standards. And you have had a faithful teammate for fifty-three years.

"I know I should not give a talk without talking about Marie. And no film or book could really portray the true love story of Damon and Marie Canfield. You two lovebirds still go around holding hands. Your romance is as fresh as when you took each other for better or for worse when you were married fifty-three years ago. And I remember when you celebrated your golden anniversary I called your home from Sumner and sang Happy Anniversary to two very fine people.

"Now I have been chairman of the all-powerful Parks and Recreation Committee and we have made several trips throughout the state of Washington, and I came to know both of you folks in a very personal way. It was always Damon, when you planned a meeting who would say, 'Can we bring our wives?' And of course the answer was always yes. You two are a real inspiration to the sacrament of matrimony. What more can I say about these two gracious and dear friends of ours? Marie, you have been a member of the grange for fifty-two years. And you know when I asked Damon for a brief synopsis of you two people, he wrote something real nice that I want to read because it shows further about the love story of Damon and Marie Canfield. In the words of Damon, 'Besides keeping a good home, raising two good children, being active in the church and grange, and helping with the farm work, she is noted for her green thumb and was at one time voted the outstanding gardner of the lower Yakima valley.' She also doubled as the personal unpaid secretary to her husband before paid secretaries were assigned under later arrangements. Life would be empty without having friends you could trust, love and treasure. And Damon, I have recited this poem many times because the word 'friends' means a lot to me. Life would be most empty if you did not have friends and someone to turn to. And many years ago in a Democratic newspaper called The Roosevelt American I saw a poem titled 'Friends' and I want to recite that poem now and dedicate it to Damon and Marie Canfield.

"Life is sweet because of the friends you have made,

And the things which in common we share.

We want to live on not because of ourselves

— But because of the people who care.

It is giving and doing for somebody else

On this all of life's splendor depends.

And the joy of this world
 When you have summed it all up,
 Is found in the making of friends.

"And, Damon, you are leaving a lot of friends in the Washington State Senate and the Washington State House of Representatives. And before I close I have one thing more, one note that Damon gave me that I think should be read.

"'Born in Kansas, where I was known as the razorback kid, received first schooling in a one room hillbilly school named Jay Bird. The teacher there was an Irish spinster whose firm dictums were reinforced by an ample supply of pear switches hanging behind her desk and a tall dunce cap close at hand.' Damon Canfield and Marie, as a team you have earned the tribute 'Well done, thou good and faithful servants.'"

REMARKS BY SENATOR WOODALL

Senator Woodall: "Mr. President and members of the Senate, I was unaware that this particular resolution was coming in at this hour. I have no prepared remarks and it would be very difficult to follow the very splendid tribute paid by Senator Knoblauch. He has detailed many, many things that a lot of us know. It does so happen, however, that I have known these two wonderful, wonderful people longer than anyone in this room. I just added up, and you know we can argue on a lot of things, but you cannot argue on the calendar. And so I subtracted, because it was when I was first a lad of fourteen that I met this man and so it just adds up to forty-seven years of acquaintanceship. You cannot argue with the calendar. I was a member of the boys and girls 4-H Club and at that time Damon Canfield was what we used to call a Smith-Hughes teacher. He taught agriculture in Yakima High School and in those days in the summer months we would have joint judging tours where you would go to certain farmers' homes and you were taught and instructed in how to judge different kinds of cattle, different types of livestock, and that was when I first met him, when I would attend those judging tours in the summer months. The years went by and I came to Olympia in the House of Representatives. We retained our friendship and acquaintanceship. Then in 1939 we organized the Central Washington Fair. I was chosen as president, Damon as vice president. Years went by and he became president because they wanted some younger blood in the thing.

"Seriously, during all of this long association of forty-seven years, never have I heard anyone speak ill of either Damon or Marie. Never. Never has this man's integrity been questioned by anyone. Never has anyone questioned their mutual devotion between these two fine people. I have known him all these years. Night after night we used to go to fair board meetings together. I know of his dedication to agriculture and, incidentally, through the grange. Also through the fair. He used to run the poultry department of our fair and Marie would come - well, she ran it, Damon just appeared to - but she was the one who really ran the poultry department of our fair. And these two people have just been a symbol of everything that is fine and good in life. And that, I guess, is about the best I can say, that when you say that two people represent the finest and best in life, I guess I cannot go much further, Damon and Marie. It has been a thrill to know you all these years."

REMARKS BY SENATOR METCALF

Senator Metcalf: "I want to just say a few words. When I first considered running for the legislature, I went to a candidates' meeting in Yakima. My wife and I had discussed this. You know, we had heard about legislature, politics, and we were a little bit nervous about whether or not we wanted to become associated in this business. Going there, however, I heard a speech to a small group of candidates by Damon and the words that he said and the devotion to integrity and principle which he enunciated convinced me and I went back and told my wife, 'Yes, this is something that I think we should get fully involved in. There are people there of real integrity.' When I came to the Senate in 1967, Damon and I were freshmen. We shared an office together and it gave me a better chance to get acquainted with Damon, even better than I had in serving in the House. I just want to say that it has been a real privilege for me to serve in the Washington State House and Senate with Damon Canfield."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Members of the Senate, Mr. President, honored guests, it is very difficult to say anything that would not detract from the very eloquent words of my good friend, Senator Knoblauch, and the many fine remarks made by my good friend Senator Perry Woodall, but I would like to tell Damon that to me it has really been a real honor, a privilege and a tremendous pleasure to have served with him. You are a true gentleman, Damon, and as usual as pointed out by both Perry and Reuben so ably, you are just half of a great team. And we love to honor that other member of the team, your wonderful wife. So I think it is more than fitting and proper that the Senate of the State of Washington and the people of this state should take the time today to honor you and your lovely wife and wish you many, many happy years of retirement."

REMARKS BY SENATOR GREIVE

Senator Greive: "Mr. President, I would like to speak as one who is often on the other side of the fence from Damon. Frequently, because of our philosophical points of view we have clashed on many matters. But I would like to say that in dealing with Damon I have always found several things. First, that his word was good. I think that is an important attribute to any legislator. Secondly, that he had strong conventional views. In other words, I never doubted but what he said, how he voted, was how he believed. Third, he was always responsible. But the thing that I recognize about Damon, and I am sure every member of this body recognizes most strongly is that he is always a gentleman."

REMARKS BY SENATOR BECK

Senator Beck: "Like Senator Woodall, I did not know that we were going to honor this distinguished gentleman this morning and his lovely wife, but I would be remiss in my responsibilities if I did not say something nice about Damon Canfield. Next to Perry Woodall, I have perhaps known the distinguished Senator which we honor this morning longer than any other member in this house. I got acquainted with Damon Canfield through the Washington state fairs. Damon, do you remember the 1949 convention in Spokane? That is when I became acquainted with Damon Canfield. He was the president of the Central Washington State Fair at Yakima. I was playing a similar role over in Kitsap County at the time, and I met this gentleman over there and we were trying to bail out the fairs of the state and try and get them into a little better financial solvency condition than they were in. And I found then that at that state fair convention that here is a gentleman who is ready to assume his responsibility in the community affairs. Damon Canfield has always been an inspiration to me: At the time we were trying to write the state fair law and if you will remember, Damon, in the 1951 session down here old Jackrabbit Jones was chairman of Agriculture over in the House and Milt Loney of the Walla Walla fair and Bob Ford, my Representative from Kitsap County introduced the bill for Damon and me, and we worked that bill through this state legislature. That was my first experience at being down here in Olympia, seeing how the wheels of government respond. Yes, in 1953 Damon became so enthused he came back as a member of that distinguished group across the hall here from us. And fellows, in those days the salary was five dollars a day and we did not think we were underpaid. We thought that we were doing a community and a civic responsibility. If you wanted a secretary you brought your own with you. That is where Marie came in. I remember the long hours that Damon used to sit over there in the House with his wife sitting down in the front row. We did not even have an office. We had a desk on the floor of the House in those days. And Damon, I used to sit up in the gallery and look at this distinguished Representative from Yakima County sitting down there with his lovely wife all hours of the day and night answering the letters. They got a five dollar roll of stamps. That is how much postage you got in those days.

"But Damon, you certainly have been an inspiration to me. Everywhere I have gone. I have wanted my fair to be just like Damon Canfield's. When he was elected to Olympia, I wanted to become a member of this body. I followed him in the House. I followed him over

here into the Senate. Damon, you have certainly been an inspiration to me. And Marie, I do not know how anyone could be a more devoted wife and look out for your husband. God bless you. You deserve every kind word that has been said about you. I am so happy this morning to second the resolution here and urge all of you to give a great big resounding yes vote to this resolution."

REMARKS BY SENATOR HENRY

Senator Henry: "Let us hope, Senator Canfield, that you did not decide to quit because Red Beck kept following you."

MOTION

Senator Lewis (Harry): "Mr. President, I would like to move that the names of all the members of the Senate be added to the resolution.

The President: "With the unanimous approval of the members, each Senator's name is added and the President hopes that his can be, also."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "I do not know what else we can really say, but the few remarks that I have to make, Damon and Marie, I think are really more intended for those in the balcony than those of us on the floor. I think how fragile our government is and I am reminded of some reading I did many years ago that maybe particularly you younger people in the balcony might think about, about the German burgermeister, you remember the fancy uniform he wears and the mace that was carried when this mayor of German towns presided at the council meetings. And I often wondered about the uniform and why it was there. You also remember maybe as a little child how you were attracted to a uniform and how you looked up to it. And that really is what the mace and what the uniform of the burgermeister is all about, because our fragile government relies upon the respect of the people for it. It is a tenuous thing. And Damon Canfield, in a time of difficulty for public officials, I think, exemplifies the burgermeister in the state of Washington. He carries the mace. He has our respect. And, Damon, we are going to miss you very much."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, all I can say is second to all the speeches, but it has been a great pleasure for me to have served both in the House and the Senate with Senator Damon Canfield and his wife, because I know what a wife can do when she is up there in the gallery watching what is going on down on the floor and preparing the amendments that are needed on the various bills, but I want to say this about Senator Canfield; it is a pleasure to have had somebody on the committee through all the years that I know for sure has read all of a bill and picked out the bad parts in it, and that is what Senator Canfield has done. We are going to miss you, Damon, and your wife, but just because you have decided to leave all of this hard work behind and go on into better endeavors, and I am sure you are going to keep on doing it, come back and visit us some time."

PRESIDENT'S PRIVILEGE

The President: "Senator and Mrs. Canfield, ladies and gentlemen, some very wise person once said, 'One of the great miracles of life is the more you give and do, the more you have and are.' Certainly the provisions of the resolution and the remarks of our Senators prove that this is truly the story of your lives, Damon and Marie. One of my fondest memories will be something that occurred this morning. It was my good fortune to meet Damon and Marie as they entered the south end of the building and I the north end. We had a very pleasant conversation and as we parted, Marie to enter the cafeteria on the first floor and Damon and I to come to the Senate chamber, Damon uttered the five most endearing words I have heard in a long, long time. They were, 'Do you have any money?'

Well, Damon and Marie, when some of us who have had the good fortune to serve with you and thousands and thousands of other people who have had equally good fortune in knowing you, when we ever begin to think about all around good guys your names, like Abou Ben Adhem, will lead all the rest."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "Mr. President, members of the Senate, and all you wonderful ladies and gentlemen, my wife and I are indeed deeply grateful for this moment of remembrance and appreciation, remembering the nearly twenty-two years of continuous service in this legislature and seeing the hand of friendship so freely extended to us today. Special thanks are due to Senator Knoblauch and to all others who have so thoughtfully arranged this friendly gesture.

"I came into this legislature when past the noontime of life, not as a freshly blossomed high school graduate as did Senator Woodall, Senator Greive and Senator von Reichbauer. As I gaze over this distinguished assembly today I see only a few familiar faces which were seen with mine in the first House session in 1953. Senator Bailey was there. He was distinguished then as he is now. Senator Connor was a big man in the House, too. Senator Dore came in at that time and was noted for his eloquence. Senator Mardesich was there and at that time early showing qualities of leadership. Senator Sandison was there. I would like to point out that my first year of school teaching was in the Dry Creek School District in Port Angeles. And I have always had a great deal of affection for that beautiful part of this beautiful state. Where were you in 1953, Slim? I always admired Slim. I always wished that I had his toughness and his resilience and his ability. And in the House there are only three left who were there with me in 1953, Representative Hurley, Representative O'Brien who is most durable, and Representative Savage.

"Governor Cherberg was not present here then as I recollect, but I want to pay tribute to you, Governor, for your competence in this Senate and for your unfailing courtesy to me and to the other Senators here. So many legislators have come and gone over these twenty-two years, some voluntarily, some by personal tragedy, some by the toll of years, some by redistricting, many by popular request. You and I have prepared and scanned thousands of pieces of legislation, some good, some bad, some indifferent. We have listened to many different and sometimes extreme philosophies. We have made many compromises, and that is necessary in the legislative process. Many of us have worked hard and conscientiously without expectation or realization of much material reward. I think we have done some good, and some things not good. Making mistakes, I guess, is normal human frailty. I do not think that over the years we have solved any problem in the sense that we can say, 'This thing is done now. We can turn our attention to something new.' For our problems here which are the political, social and economic concerns of people everywhere never seem finalized and never seem completed, but I like to think that most of us have done the best we knew. I do not believe that many legislators are supercharged with evil intent or offer themselves or their votes for sale for the highest bidder. If it is true that some people are losing confidence in government, I would suggest that the blame must be shared by legislators and also by those people or those organizations which demand special privilege. During the years of our personal legislative experience as well as before, my wife has been a loyal and faithful helper. And I gladly take this moment to publicly thank her for her help and for her understanding of a sometimes difficult Senator.

"Serving this body is an honor given to but few, therefore a greater honor to those who are chosen and a privilege always to be treasured. So thanks from the bottom of our hearts to all of you wonderful people."

REMARKS BY SENATOR DORE

Senator Dore: "I would like to move that Senator Canfield's remarks be spread in the Journal and I would just like to say that that magnificent speech shows what type of man he is, and often when a person leaves you say, 'Well, he is the best and the greatest, most wonderful,' and you just say it without any meaning but in my case, being one of the few

survivors with him since 1953, I think that he has been one of the three or four outstanding legislators in these halls and he has always been conscientious. He was always there. He made very valuable contributions to the Appropriations Committee. Many of the laws we have are a result of his recommendations and suggestions. He did not take the headlines, but maybe we, some of the others, stole his ideas and passed them off as theirs, but I have nothing but the highest type of accolade to give the Senator. I will miss him and perhaps I will even join him. I came with him. Perhaps I will be leaving with you too, Senator. It has been a real pleasure to associate with him, this husband and wife team have really been a real example of what the public thinks – what they would like to have the legislators be, because he has just been a tremendous force for goodness and good legislative works and I say this from the bottom of my heart.”

REMARKS BY SENATOR TED PETERSON

Senator Peterson (Ted): “Mr. President and members of the Senate, I just wanted to say a very few words to the Senator as he retires. As an office – or I say cellmate – up on the fourth floor there, I have enjoyed him. I have served with a few Senators there, but he has that certain something that just enlightens the office up there and it has been wonderful. His compatibility with Marie is only seconded by the compatibility and the affection and that sense of humor that he brings out in an office where you are diligent and working, so I want to say it has been a pleasure, Senator, and in your leaving, and as I look around, it looks like I will have to take the seniority in age, now. That hurts a little, but I will accept it, Senator.”

PRESIDENT'S PRIVILEGE

The President: “Senator Knoblauch, the members and the President congratulate you and the members of your committee for your thoughtfulness in arranging this program. And Damon and Marie, it is aloha, it is not goodbye, because we want you coming back every chance you get. Thank you so much and God bless you.”

REMARKS BY SENATOR WASHINGTON

Senator Washington: “Damon and Marie, particularly you, Damon, because I and many of us have worked so closely with you and I want you to know, Damon, that I felt it was a real honor, a tremendous honor, to be one to represent the Democratic side of the aisle in escorting you and Marie to the rostrum. And I think perhaps what I have to say, like Senator Lewis, may be perhaps more directed to the audience, the people in the galleries, because I think so many times in reading the press you have the idea that there is a line drawn down the middle of the aisle and you have Democrats on one side and you have Republicans on the other and almost that old saying that never the twain shall meet. And yet that just is not the case. There is probably only, I would say five or six percent of the bills that are passed are decided on a partisan basis, and the rest of the time we are working back and forth with members of the Republican Party. And I particularly feel this because Damon and I served, if you will recall, Damon, for a long time as one of the members of the Constitution and Elections Committee. And many times we have agreed, many times we have disagreed. And yet I know that you and I have developed a real feeling of friendship and respect for each other, and I think the test of it so many times is that you still maintain that feeling of friendship and respect even though you have disagreed many times. I think that is the test. You can disagree with someone and still have that deep feeling. And again, I know it happens with many other Democrats and Republicans. But it just happened over the years. I think there were so many times that I left my seat and went over and would talk to you and I would sit on the wastepaper basket and I would ask you about legislation which was not of a political nature. I have asked your advice and we would talk it over and I recall with real pleasure the number of times that you have left your seat and come and talked with me on the Democratic side of the aisle and we exchanged those ideas. And again, I think that is something so few people in the public recognize, that there are these deep friendships that develop between Republicans and Democrats. We have talked a lot

about your official capacity, the things that you have done, but I think more than anything I am just going to miss your friendship, Damon, and the fact that I could call on you so often for advice and guidance.

"And then, I do want to use some of Damon's own words about retiring and rather than try to remember them, they are written down. And Damon said, 'I would much rather have people say, 'There was a good Senator. We wish he were still there,' rather than hearing them say, 'He used to be a good Senator, but for his own good and ours we wish he were out.' And anyway again, he has added, 'The state will get along somehow and maybe I can now catch up on my fishing.' Those are excellent sentiments, Damon, but I think they would have been much better expressed maybe ten years from now than at the present time, because we know the sharpness that you have and that seat — someone else is going to fill it but there is not going to be anyone who is going to fill it the way you did. The number of times that you have gotten up, and I count you as — say one of those who can get up on the floor and with a few well chosen words change the course of a piece of legislation that is on the floor, with the respect that you have, the confidence that people have in you, that ability you have of making short and concise statements, you change the course of many bills. And someone is going to sit in that seat but, Damon, they are not going to be able to fill your shoes."

REMARKS BY SENATOR TALLEY

Senator Talley: "I wish Senator Washington had that quality, short and precise statements, sometimes."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Maybe that is why I appreciate so much Damon's ability. I perhaps am jealous of him. I really think I am."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "I appreciate that, Senator Talley, having had Damon in our caucus for the past seven years. To me he looked like a Senator, he acted like a Senator and he was a Senator and he will always remain a Senator as far as I am concerned. The Republican caucus will sorely miss Damon and we will also miss that kind and sweet and gentle Marie. I am sorry to see them go, but I know they will come back and visit."

The President of the Senate presented a bouquet of roses to Senator and Mrs. Canfield in recognition of their long and dedicated public service.

The special committee escorted the honored guests to the Senate dining room and the committee was discharged.

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

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 447, by Representative Randall:
Pertaining to tax exemptions, exclusions, deductions and credits.
Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 491, by Representatives Johnson, Conner and Ellis:
Directing the highway commission to provide additional phone service in certain areas.
Referred to Committee on Rules.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3145, and the House amendments thereto: Senators Dore, Clarke and Mardesich.

MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

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

REPORTS OF STANDING COMMITTEES

April 18, 1974.

ENGROSSED SENATE BILL NO. 2140, fixing remuneration for salaries and actual expenses of a judge pro tempore (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2140 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Bottiger, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 19, 1974.

SENATE BILL NO. 2519, creating a new board of prison terms and paroles and defining its functions (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2519 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

Passed to Committee on Rules for second reading.

April 19, 1974.

SUBSTITUTE SENATE BILL NO. 2697, providing for disclosure by certain appointed public officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2697 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Grant, Chairman; Metcalf, Stortini, von Reichbauer.

Passed to Committee on Rules for second reading.

April 20, 1974.

SENATE BILL NO. 2728, relating to local government (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Beck, Connor, Jolly, Lewis (R. H. "Bob"), Murray, Sellar, Talley, Whetzel.

Passed to Committee on Rules for second reading.

April 19, 1974.

SENATE BILL NO. 2911, relating to elections (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2911 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Grant, Chairman; Metcalf, Stortini, von Reichbauer.

Passed to Committee on Rules for second reading.

April 19, 1974.

SENATE BILL NO. 3030, making changes in the laws relating to mental illness (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Atwood, Clarke, Dore, Twigg, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 19, 1974.

SENATE BILL NO. 3060, permitting public service signs along the interstate, primary, and scenic highway systems (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Vice Chairman; Beck, Jolly, Knoblauch, Lewis (R. H. "Bob"), Matson, Sellar, Talley, Washington.

Passed to Committee on Rules for second reading.

April 19, 1974.

SENATE BILL NO. 3109, relating to transportation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 3109 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Bottiger, Jolly, Keefe, Knoblauch, Matson, Sellar, Talley, Wanamaker, Washington.

Passed to Committee on Rules for second reading.

April 19, 1974:

SENATE BILL NO. 3212, enacting the Group Legal Services Act of 1974 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Dore, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 19, 1974.

SENATE BILL NO. 3280, relating to property taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 3280 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Grant, Lewis (Harry), Marsh, Peterson (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

April 19, 1974.

SENATE BILL NO. 3357, relating to environmental quality (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

April 20, 1974.

ENGROSSED HOUSE BILL NO. 184, expanding the definition of first class public utility districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Murray, Sellar, Whetzel.

Passed to Committee on Rules for second reading.

April 19, 1974.

SUBSTITUTE HOUSE BILL NO. 670, authorizing and funding for public transportation systems (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Beck, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Matson, Sellar, Talley, Wanamaker, Washington, Whetzel.
Passed to Committee on Rules for second reading.

April 19, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 764, creating a basic skills educational accountability system for grades kindergarten through six of the public schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators von Reichbauer, Chairman; Fleming, Murray, Odegaard.

MINORITY recommendation: Do not pass.

Signed by: Senator Bottiger.

Passed to Committee on Rules for second reading.

April 22, 1974.

SUBSTITUTE HOUSE BILL NO. 779, implementing laws relating to the teachers' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Bailey, Fleming, Grant, Lewis (Harry), Mardesich, Metcalf, Peterson (Ted), Sandison, Scott.

Passed to Committee on Rules for second reading.

April 19, 1974.

SUBSTITUTE HOUSE BILL NO. 869, relating to air pollution (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Guess, Murray, Stortini, Van Hollebeke, Whetzel.

Passed to Committee on Rules for second reading.

April 17, 1974.

HOUSE BILL NO. 958, authorizing use of forty foot school buses under specific limitations (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 20, 1974.

SECOND SUBSTITUTE HOUSE BILL NO. 1039, relating to water rights (reported by Committee on Agriculture):

MAJORITY recommendation: That Second Substitute House Bill No. 1039 be re-referred to the Committee on Ways and Means.

Signed by: Senators Jolly, Chairman; Day, Donohue, Sellar, Washington.

There being no objection, Second Substitute House Bill No. 1039 was referred to the Committee on Ways and Means.

April 19, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1366, authorizing termination on revision of public works contracts affected by increased petroleum prices (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Matson, Sellar, Talley, Wanamaker, Whetzel.

Passed to Committee on Rules for second reading.

April 19, 1974.

SUBSTITUTE HOUSE BILL NO. 1377, making certain changes in the laws relating to correctional institutions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Clarke, Connor, Herr, Murray, Ridder, von Reichbauer.

Passed to Committee on Rules for second reading.

April 21, 1974.

SUBSTITUTE HOUSE BILL NO. 1504, enacting the "health care act of 1974" (reported by Committee on Social and Health Services):

Recommendation: Do pass.

Signed by: Senators Day, Chairman; Van Hollebeke, Vice Chairman; Clarke, Connor, Francis, Greive, Herr, Jones, Murray, Ridder, Twigg, von Reichbauer, Woodall.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 18, 1974.

STUART OLES, to the position of member of the Public Disclosure Commission, appointed by the Governor on July 13, 1974 for the term ending December 31, 1977, succeeding Francis Holman (reported by the Committee on Constitution and Elections):

Recommends that said appointment be confirmed.

Signed by: Senators Grant, Chairman; Canfield, Metcalf, Stortini, von Reichbauer, Washington.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

April 21, 1974.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 3277, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

At 12:05 p.m., on motion of Senator Mardesich, the Senate recessed until 2:15 p.m.

AFTERNOON SESSION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mrs. Joyce Jones and Mrs. George Jones, and appointed Senators Knoblauch, Rasmussen, Stortini, Beck and Atwood to escort the honored guests to the rostrum.

The President turned the gavel over to Senator Bottiger.

MOTION

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

SENATE RESOLUTION 1974-243

By Senators Bottiger, Sandison, Stortini and Beck:

WHEREAS, Dale Francis Jones entered the United States Navy in service of his country and served with distinction and courage during the Viet Nam conflict, attaining the rank of Second-class Petty Officer and was awarded four service medals; and

WHEREAS, Upon his honorable discharge from military service he entered the Tacoma Fire Department and, following a highly successful training period, was qualified as an Emergency Medical Technician and then was selected to serve as a Battalion Chief's Aid; and

WHEREAS, He performed the duties of his position with courage and extraordinary perseverance being always aware of the dangers involved; and

WHEREAS, On February 25, 1974 while engaged in an extensive fire-fighting operation in Tacoma, Dale Francis Jones met his untimely death while serving the people of his community;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that we honor and commend the actions of Dale Francis Jones for his years of public service and his courage above and beyond the call of duty; and that we extend our deepest sympathy to his parents George and Mae Jones of Port Angeles and his lovely wife; Joyce, and two small daughters, eleven-month-old Christina and two-year-old Jennifer, who survive him.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, it is a sorrowful time when we pause to commemorate the passing of someone who has in the pursuit of goals of his community and of his occupation given his life. Dale Jones was born and raised in Port Angeles. His family resides there. His brother and sister are in the gallery. His mother still resides in Port Angeles, his wife in the Tacoma area. We tried to think of a way to honor Dale. Some people wonder why I am so interested in fire fighters and problems relating to firefighting. My brother-in-law is a fire fighter and I am aware of the peril that people in this occupation go through. So with conference with Mr. Willis from the Tacoma Fire Department we invited the mother and the widow of Dale Jones down here to show our appreciation for their contribution to the safety of the whole community. With that I would like to introduce to you Mrs. Jones. This is Joyce. May Jones from Port Angeles. None of us, I hope, will ever have to make the sacrifice they have made, but sometimes when we talk about firemen and policemen's pensions, it is good to remember the risk that is there."

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

Senator Bottiger returned the gavel to President Cherberg.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 3143.

MESSAGE FROM THE HOUSE

April 20, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3143, with the following amendments:

On page 1, line 21 after "available" insert "*PROVIDED FURTHER, That districts located in counties having a population of over 18,000 may not construct nursing homes*".

On page 2, beginning on line 19 strike everything after "facility" down to and including "organization" on line 21 and insert "[: charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization], and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Day moved that the Senate concur in the House amendment to page 1, line 21 to Engrossed Senate Bill No. 3143.

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Even without the House amendment, with this legislation, with the bill passed we would be able to do what is needed in Senator Donohue's area. Isn't that correct?"

Senator Day: "That is correct but it also would mean that it would apply to every district and I believe what this does is make the bill palatable and it was necessary to put this amendment on, it is my understanding, to get the thing through the House, and I do not want to lose the bill. I am making amendments to different things."

Senator Woody: "Yes, I understand that. I am not certain what went on in the House, but in Snohomish County which has, of course, a total population of over eighteen thousand, we have had one of the earliest hospital districts in the state in south county which has been expanded and is providing a reasonable, a very reasonable cost hospital for the people in south county. It would be my position that they ought to be able to build nursing homes as well. We both know that there is going to be an expanded use of nursing home care because of the increase in cost of hospital care. I do not know what went on in the House, but I feel that the health district in Snohomish County ought to be permitted to have nursing homes as well."

Senator Day: "Mr. President, I just feel that that is possibly a subject for debate, but at the moment we can address ourselves as to that in January to another amendment maybe, but I feel that in order to expedite this bill that we had better accept this one House amendment, and then the other one is a different story."

MOTIONS

The motion by Senator Day carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 3143 to page 1, line 21.

On motion of Senator Day, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 3143 to page 2, beginning on line 19 and asks the House to recede therefrom.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Senate Bill No. 3202.

MESSAGE FROM THE HOUSE

April 20, 1974.

Mr. President: The House has passed Engrossed Senate Bill No. 3202, with the following amendment:

On page 3, line 24, after "established" insert "which are comparable", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Marsh, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3202.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3202, as

amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Henry, Keefe, Metcalf—3.

Excused: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 3202, 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 Mardesich, the Senate commenced consideration of the House Message on Engrossed Bill No. 3358.

MESSAGE FROM THE HOUSE

April 20, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3358, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. Northern State Hospital at Sedro Woolley, Washington has been closed as a mental hospital. The purpose of this 1974 act is to authorize the disposition of the real property and improvements thereon in a manner that will be most beneficial to the people of the immediate area affected by the closure and to the state of Washington.

NEW SECTION. Sec. 2. The Secretary of the department of social and health services shall transfer the real property, improvements, and appurtenances thereto of the Northern State Hospital site to the departments of general administration and natural resources immediately. The department of social and health services will transfer the funds and the responsibility to maintain the facilities to the department of general administration.

NEW SECTION. Sec. 3. The department of natural resources shall manage or dispose of lands deemed not to be directly adjacent to buildings on the Northern State Hospital site in the same manner as other state lands as provided for in Title 79 RCW in accordance with the intent of section 1 of this 1974 act. The proceeds from such management or disposal shall be the same as proceeds from the management of state lands in Title 79 RCW.

NEW SECTION. Sec. 4. The department of general administration shall administer the disposition of the buildings and adjacent lands. Commencing on the effective date of this 1974 act, the director of the department of general administration or his designee shall consult with officials of the various political subdivisions of the immediate area affected by the closure to determine whether community use may be made of such facilities. If no agreement is reached by June 30, 1975 regarding future use of such facilities, the director shall dispose of the properties in the usual manner.

NEW SECTION. Sec. 5. Prior to any disposal of the property of Northern State Hospital by either the department of natural resources or the department of general administration as authorized by sections 3 and 4 of this 1974 act, the proposal for any such disposition shall be submitted to the house and senate ways and means committees for approval or rejection if the legislature is in session. If the legislature is not in session the proposal for any such disposition shall be submitted for approval or rejection to the legislative budget committee. If the house and senate ways and means committees or the legislative budget committee fails to approve or reject a proposal within sixty days of its submittal to the legislative bodies herein named such proposal shall be deemed to have been approved.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 2 of the title after "sections" and before the period insert "; and declaring an emergency", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Peterson (Lowell) moved that the Senate concur in the House amendments to Engrossed Senate Bill No. 3358.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Peterson yield? Senator Peterson, when we ran the amendment to this on the floor last time, we shipped it into DNR as you said, but not just to dispose of it, but also manage it. Isn't that correct?"

Senator Peterson (Lowell): "That is true."

Senator Woody: "And is that management any different under the amendment that we had as opposed to the way you have it now, which is under 79 RCW?"

Senator Peterson (Lowell): "Only to the extent that instead of DNR, it is to remove DNR from the management of the capital improvements, not of the present surrounding farmlands. The DNR still has the same jurisdiction as they previously had prior to the original version of this bill."

Senator Woody: "Who would manage it under this?"

Senator Peterson (Lowell): "GSA would manage the capital improvements. DNR would manage the surrounding farmlands which they have been leasing in the past and they would continue to do so."

Senator Woody: "As I understand it, under the prior situation, the prior amendment that we had, if DNR managed the capital improvements they would charge up to twenty-five percent, as I recall. My memory is not that good. Is that correct?"

Senator Peterson (Lowell): "That language has been stricken by the House amendment."

Senator Woody: "And General Administration would not be charging a percentage of anything that they received, or would it be less than twenty-five percent, or do you know?"

Senator Peterson (Lowell): "I do not think that is spelled out, Senator Woody. The procedural matter that is under statute that the GSA now handles disposal of surplus state property. This act just puts it into conformity."

Senator Woody: "But do you know whether GSA would charge a percentage or not, or would their operation of management just come out of the general fund?"

Senator Peterson (Lowell): "My interpretation of the House amendment, Senator Woody, is that GSA is not going to do anything with this property without either the approval of the legislature, the respective Ways and Means Committees of the House in session or the Legislative Budget Committee, as Senator Atwood explained, so we would still have an opportunity to look at this if in fact they did anything between now and 1975."

Senator Atwood: "I believe your question is, the costs of administering that, do they come out of the proceeds?"

Senator Woody: "Yes."

Senator Atwood: "Under our act for the revolving fund for GSA, in fact they charge for this building and for every check they will be charging their cost of administration against that particular entity. They do for everything now, under the revolving fund act that passed about two years ago."

The motion by Senator Peterson (Lowell) carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3358.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3358, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Absent or not voting: Senators Durkan, Rasmussen—2.

Excused: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 3358, 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 FOR RECONSIDERATION

Senator Day moved that the Senate immediately reconsider the vote by which the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 3143 to page 2, beginning on line 19.

MOTION

On motion of Senator Lewis (Harry), Senator Guess was excused.
The motion for reconsideration carried.

MOTION

On motion of Senator Day, the Senate concurred in the House amendment, on reconsideration, to Engrossed Senate Bill No. 3143 to page 2, line 19 and previously concurred in the House amendment to page 1, line 21.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3143, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—45.

Absent or not voting: Senators Rasmussen, Talley—2.

Excused: Senators Guess, Newschwander—2.

ENGROSSED SENATE BILL NO. 3143, 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 Mardesich, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 3256.

MESSAGE FROM THE HOUSE

April 18, 1974.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3256, with the following amendments:

On page 1, section 1, line 10, strike "5,589,727" and insert "5,489,727".

On page 1, section 1, line 12, strike "7,058,989" and insert "[7,058,989] 6,408,989", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendments to Substitute Senate Bill No. 3256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3256, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Excused: Senators Guess, Newschwander—2.

SUBSTITUTE SENATE BILL NO. 3256, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Mardesich, von Reichbauer and Metcalf demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Newschwander, who had previously been excused.

MOTION

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Mardesich moved that the Senate reconsider the vote by which Engrossed Second Substitute Senate Bill No. 3042, the labor-management relations act, failed to pass the Senate on Sunday, April 21, 1974.

The motion for reconsideration carried.

MOTION

On motion of Senator Mardesich, Engrossed Second Substitute Senate Bill No. 3042 was returned to second reading.

MOTION

At 3:05 p.m., on motion of Senator Bailey, the Senate was declared to be at ease.

The President called the Senate to order at 3:20 p.m.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 3042 on second reading.

Senator Dore moved adoption of the following amendment by Senators Greive and Dore:

On page 2, line 13, after "organization." strike all the matter down through "less," on line 14 and insert "The term "employer" shall mean any employer who has three or more individuals in his employ."

Debate ensued.

Senator Dore demanded a roll call and the demand was sustained by Senators Washington, Connor, Talley, Atwood, Bottiger, Metcalf, Van Hollebeke, von Reichbauer and Greive.

ROLL CALL

The Secretary called the roll and the amendment by Senators Greive and Dore was not adopted by the following vote: Yeas, 17; nays, 31; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Dore, Durkan, Fleming, Grant, Greive, Herr, Keefe, Knoblauch, Rasmussen, Ridder, Stortini, Van Hollebeke, von Reichbauer—17.

Voting nay: Senators Atwood, Canfield, Clarke, Day, Donohue, Francis, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Sellar, Talley, Twigg, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—31.

Excused: Senator Newschwander—1.

MOTION

On motion of Senator Mardesich, Engrossed Second Substitute Senate Bill No. 3042 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 Matson: "Will Senator Greive yield to a question? Senator Greive, there seemed to be some confusion yesterday about whether an 'aye' vote or a 'no' vote was a pro-labor or an anti-labor vote. I wonder if you could straighten us out on that today?"

Senator Greive: "I would suggest that you address that to somebody else. I think that like everyone else, to say that there are not outside forces in this or any other piece of legislation would be to put your head in the sand. I do not know what kind of a labor vote it will be. I have my strong suspicions, obviously. But the fact still remains that labor has a vital interest. It is their field of endeavor. I think that we have a whole gulch full of lobbyists. I do not find Bill Hicks and the truckers bashful about telling the things they want, and I respect them for it. I do not find Vern Lindskog and the major oil companies bashful about telling me what they want, and I respect it. I do not find any of the other, the education forces, both for the school directors or the teachers, if you please, WEA or school directors, I do not find them a bit bashful, and I do not know why anybody that has an interest — to say that we do not listen to what other people want; however, we do not always go with them, would be like saying that we come down here oblivious to what people who are organized into groups want . . . I would imagine that virtually everybody in the state of Washington is in a grange or a church or a Masonic Lodge or a labor union, a business organization or something, and I would imagine that all of those groups from time to time have their views. I can remember a minister up here who had some very strong views on gambling yesterday, and I respect him for it, too. So I cannot tell you whether it is or is

not a labor vote, but I think that that is something that each person will have to decide for themselves, as to how they should vote."

Further debate ensued.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I would just like to say for the record that Senator Harry Lewis has taken me through his plant, and if all employers were as good to their employees as he is, we probably would not need labor unions."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3042, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Woody—28.

Voting nay: Senators Atwood, Canfield, Clarke, Donohue, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Ted), Scott, Sellar, Talley, Twigg, Wanamaker, Washington, Whetzel, Woodall—20.

Excused: Senator Newschwander—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3042, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Greive, Engrossed Second Substitute Senate Bill No. 3042 was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

On motion of Senator Bailey, Senator Day was excused.

At 3:55 p.m., on motion of Senator Bailey, the Senate was declared to be at ease.

The President called the Senate to order at 5:55 p.m.

MOTIONS

On motion of Senator Mardesich, Senator Stortini was excused.

At 5:58 p.m., on motion of Senator Mardesich, the Senate recessed until 8:00 p.m.

EVENING SESSION

The President called the Senate to order at 8:00 p.m.

There being no objection, Senator Rasmussen was excused.

MOTIONS

On motion of Senator Atwood, Senator Newschwander was excused.

On motion of Senator Lewis (Harry), Senator Metcalf was excused.

On motion of Senator Herr, Senator Greive was excused.

On motion of Senator Mardesich, the Senate commenced consideration of the supplemental second reading calendar.

SECOND READING

SENATE BILL NO. 2688, by Senators Peterson (Lowell) and Talley:

Changing certain tax laws relating to commercial fishing vessels.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), Senate Bill No. 2688 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2688, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 1; excused, 6.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Donohue, Dore, Durkan, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woodall, Woody—40.

Voting nay: Senators Fleming, Whetzel—2.

Absent or not voting: Senator Francis—1.

Excused: Senators Day, Greive, Metcalf, Newschwander, Rasmussen, Stortini—6.

SENATE BILL NO. 2688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 2728, by Senator Fleming:

Relating to local government.

REPORT OF STANDING COMMITTEE

April 20, 1974.

SENATE BILL NO. 2728, relating to local government (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 8, chapter 1, Laws of 1959 and RCW 41.14.080 are each amended to read as follows:

All *entry level* appointments to [and promotions to] positions in the classified civil service of the office of county sheriff shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation. *Promotional tests for commissioned personnel shall be limited to persons already in the service of the office of the county sheriff or to persons employed by another law enforcement agency which, pursuant to standards adopted by the Washington state criminal justice training commission, allows persons in the service of the office of county sheriff to take promotional tests for commissioned personnel in law enforcement of that other agency, and these promotions shall be made solely on merit, efficiency, and fitness which shall be ascertained by competitive examination and impartial investigation.* No person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter."

On page 1, add a new section following section 1 as follows:

"*NEW SECTION.* Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 1 of the title after "local government" strike the remainder of the title and

insert “; and amending section 8, chapter 1, Laws of 1959 and RCW 41.14.080; and declaring an emergency.”

Signed by: Senators Fleming, Chairman; Beck, Connor, Jolly, Lewis (R. H. “Bob”), Murray, Sellar, Talley, Whetzel.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment.

On motion of Senator Fleming, the following amendment by Senators Fleming and Whetzel to the committee amendment was adopted:

Amend the Committee Amendment as follows:

On line 9 of section 1, after “*county sheriff*” and before “*or to*” insert “*of the county conducting the test,*”

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

On motion of Senator Fleming, the committee amendment to the title was adopted.

MOTIONS

On motion of Senator Atwood, Senator Clarke was excused to attend a meeting of a Conference Committee.

On motion of Senator Fleming, Engrossed Senate Bill No. 2728 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2728, and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Connor, Donohue, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Whetzel, Woodall, Woody—37.

Voting nay: Senators Atwood, Marsh, Matson—3.

Absent or not voting: Senators Dore, Francis—2.

Excused: Senators Clarke, Day, Greive, Metcalf, Newschwander, Rasmussen, Stortini—7.

ENGROSSED SENATE BILL NO. 2728, having received the constitutional majority, was declared passed. 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, Peterson (Ted) and Ridder:

Creating supplemental nutritional program for children in attendance in schools and child development centers.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3345 was substituted for Senate Bill No. 3345, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, Substitute Senate Bill No. 3345 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: “I would like to ask Senator Fleming a question. Senator Fleming, can you tell me what the total impact of this is going to be in the next five years, and why are

we getting into a new program where they are already having problems getting enough food for the lunch program? We are now taking on a breakfast program. How far is it going to go? Are we going to have three meals a day?"

Senator Fleming: "From my understanding, Senator Guess, this establishes a school lunch program in many of the areas throughout the state that are not involved in them. In terms of the dollars, there is no money in the bill. We feel as though it is imperative at this time that we try to establish a concept that out of three hundred and some school districts in the state, there are only two hundred and twenty plus school districts which do have school luncheon programs at this particular time. We realize that in some areas of capital construction and others there are federal dollars that are available now, and we feel as though the state should go on record as saying that any way possible that the minimum requirements for young people in our state, the kind of nutrition that they need for the minimum requirements, we should be trying to meet those within our school luncheon programs."

Senator Guess: "Senator Fleming, the caucus digest says that this includes a nutritious breakfast or lunch or both, and the question I ask is, why are we having to go for breakfast? Won't these people feed their kids?"

Senator Fleming: "Senator, you might be right there, but I would say this. Some people cannot feed their kids breakfast, and as we know through statistics, when we have kids going to school hungry this lessens their learning ability and it affects them."

Senator Guess: "Senator, don't we have the food stamp program?"

Senator Fleming: "The food stamp program has nothing to do with these young people getting food before they go to school. A lot of young people do not eat breakfast before they go to school, and whether or not you have food stamps, you recognize that the price of food has risen and the price of our standard of living has risen -- and whether you have food stamps or not does not mean that you have enough food in your house to feed your kid breakfast before he goes to school."

Senator Guess: "If there is no money in it, Senator, why no money?"

Senator Fleming: "There is no money in the program at this point in time for two reasons. One, we think that the impact of the bill would probably be something like seventy thousand dollars. Some people felt as though, 'Do we really know whether this is going to be the effect?' And we would like to, if we cannot get the appropriation now, since we are in a mini-session dealing in a supplemental budget -- not the annual or biennial budget that we deal with -- and we think we should at least go on record as supporting the idea that all of our young people should not go to school with an empty stomach. And we think that by putting this concept we can come back, look at this program in January, look at the need, and if the need is there and the dollars, then we can deal with that. But we felt as though it was imperative because there are some federal dollars that could be available for this program because there are some school districts that do not participate and they are losing out on the federal dollars."

Senator Guess: "Thank you, Senator Fleming."

POINT OF INQUIRY

Senator Atwood: "Will Senator Fleming yield? Senator, in section 8, page 4, there is a proviso in there that if the public school district fails to comply the SPI can withhold state apportionment funds available under the chapter from any school district failing to comply. I want to know what the philosophy is of penalizing the rest of the children for failure on action of the school board to comply and jeopardizing educational program for everyone else."

Senator Fleming: "The same thing happens, Senator Atwood, you know, whenever there is a federal law or a state law with which you do not comply. The state or the federal government can withdraw those funds. What they are trying to do is that in those areas, for instance, even with the URD funds that we have had before, we have had school districts that did not want to participate when the moneys were available for them to participate and they kept young people of bilingual language or whatever from getting additional education that they needed to get through school. And what we have said in those is that that should

not be. If the money is available, if the program is there, then the districts should participate if there is a need. And I think this is what they are saying."

Senator Atwood: "Thank you, Senator Fleming."

Debate ensued.

POINT OF INQUIRY

Senator Woodall: "Will Senator Fleming further yield? I am serious on this. Under this bill, are there any guidelines in it? What if someone has the financial ability but the mother is a little lazy or would just prefer to sluff getting breakfast for her kiddies off on the school district? Would that be possible under this, that even though you had food, if the mother just plain does not cook breakfast, is the child eligible regardless of the financial ability of the parents?"

Senator Fleming: "Senator Woodall, from my understanding from the federal guidelines and so forth, there has to be a need shown as to whether these young people's parents can afford furnishing the luncheon or whatever it is. Many of the school districts, as I said, two hundred and twenty plus school districts out of the three hundred and some school districts we have, are already participating. And so what we are trying to do is at least let the state be behind the program."

Senator Woodall: "Senator Fleming, you say they already participate. We are talking about. . . ."

Senator Fleming: "Two hundred and twenty of them."

Senator Woodall: "All right. But we are talking about lunches. Now this adds breakfast. My question again is, now the school lunch at noon hour has no relationship to the financial ability of the parent. That is available to everyone. I am asking you, would breakfast be available for the children of some people who had means and the mother just plain did not get up in the morning and cook?"

Senator Fleming: "It depends on the program. I do not think it is necessary you have to have a breakfast program, but it depends on the school and the program that they decide to develop for that school. I would like to say this here, 'no' to your question that they cannot force someone who can afford the luncheon to have this. And I said before that it is developed on need, not whether someone is too lazy to get up and prepare their breakfast. I will just give you an idea of some of the counties that are not participating in the program. Adams County, Bingen No. 122; Benton County, Patterson No. 50; Chelan County; Clallam County, Port Angeles No. 21, Fairview No. 321. I can just go right down the list of some of the schools that are not participating. And no, they would not, from my understanding, force it on someone whose mothers were too lazy to get up and cook, but I think they do have programs. They develop a program on the basis of need."

Senator Murray: "Mr. President, I think maybe I can help to answer the question. I believe the bill says that they have to establish a need for at least ten percent of the student body involved in order to establish the program, so that if there is one mother who is not feeding her child, it does not require any kind of a program. However, if there are ten percent who, for one reason or another, are not getting an adequate breakfast and the money is available and the facilities are available, then they would have the authorization to go ahead and put in this kind of a program. But it requires a minimum need established before they can do anything."

POINT OF INQUIRY

Senator Woodall: "Would Senator Murray yield? Do I take it then that once established, however, all children, regardless of the ability of the parents to provide, are then eligible for this breakfast? Once you establish that ten percent of the district needs it, then are the other ninety eligible for breakfast?"

Senator Murray: "My understanding is that they individually have to establish their need to qualify for the free breakfast or lunch, once they have established the overall need in quantity to set up the program. If someone else wants their lunch then they may have to pay for it if they cannot individually establish their personal need."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3345, and the bill passed the Senate by the following vote: Yeas, 26; nays, 12; absent or not voting, 4; excused, 7.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Dore, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Murray, Peterson (Ted), Ridder, Sandison, Talley, von Reichbauer, Walgren, Washington, Whetzel, Woody—26.

Voting nay: Senators Atwood, Canfield, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Scott, Van Hollebeke, Wanamaker, Woodall—12.

Absent or not voting: Senators Donohue, Odegaard, Sellar, Twigg—4.

Excused: Senators Clarke, Day, Greive, Metcalf, Newschwander, Rasmussen, Stortini—7.

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.

MOTION

On motion of Senator Fleming, Substitute Senate Bill No. 3345 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 3212, by Senators Francis, Woody and Dore:
Enacting the Group Legal Services Act of 1974.

REPORT OF STANDING COMMITTEE

April 19, 1974.

SENATE BILL NO. 3212, enacting the Group Legal Services Act of 1974 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. The legislature finds that a substantial unmet need for legal services exists among the moderate and low income people of the state, that this need has not been met by existing methods for providing legal services, and that new approaches to the delivery of legal services should be developed in order to assist all people of the state in their efforts to achieve effective access to the legal system. The legislature further finds that the development of new approaches to providing legal services can best be accomplished by permitting innovative techniques for organizing and delivering legal services, that the people of the state should be offered a variety of choices between responsible new methods, that these new methods should be controlled reasonably, and that it would be inappropriate to provide such control pursuant to Title 48 RCW.

The purposes of this 1974 act are to provide for the certification of approved group legal services plans, to promote access to legal services at reasonable costs, and to regulate the development and operation of such plans in a manner which will serve the public interest by protecting the interests of the people of this state receiving such services, and to insure the adherence to the code of professional responsibility.

NEW SECTION. Sec. 2. This 1974 act shall apply to all persons or entities proposing to operate or operating or participating in the operation of a group legal services plan as such plan is defined in section 3 (7) of this 1974 act, or who are applicants, sponsors, legal service contractors, members, or operators as defined in section 3 of this 1974 act, and to all group legal services and group legal plans as defined in section 3 of this 1974 act. Title 48 RCW shall not apply to the activities governed by this 1974 act.

NEW SECTION. Sec. 3. As used in this 1974 act:

(1) "Administrative costs" means those expenses considered usually applicable to the cost of managing and marketing a group legal services plan or analogous business activity, in accordance with normal accounting principles.

(2) "Applicant" means a person or entity who has filed an application for a certificate of approval to operate a group legal services plan.

(3) "Benefit" means any service, right, privilege, or money provided or to be provided to a member under a group legal services plan.

(4) "Benefits package" means the benefits to which a member of a group legal services plan is entitled.

(5) "Commission" means the group legal services commission established by this 1974 act.

(6) "Group legal services" means those services performed by or under the supervision of a legal services contractor for members of a sponsor.

(7) "Group legal services plan" means any system the purpose of which in whole or in part is to provide group legal services, whether or not payment for such services is to be made in advance. The plan may be submitted by an applicant which is either a sponsor or a legal services contractor.

(8) "Legal services" means those professional services usually rendered by or under the supervision of attorneys licensed to practice law in the state of Washington.

(9) "Legal services contractor" means an attorney or attorneys licensed to practice law in the state of Washington, or a partnership or professional services corporation composed exclusively thereof, who or which agrees with a sponsor to provide legal services to members of a group legal services plan: PROVIDED, That except for an approved plan providing for group legal services under a trust established pursuant to any collective bargaining agreement, a group legal services contractor may not agree with a sponsor to provide legal services to members of a group legal services plan if the legal services contractor exists primarily for the purposes of this 1974 act or does not provide legal services to persons or entities who are not members of a group legal services plan.

(10) "Member" means any person receiving or entitled to receive benefits under a group legal services plan.

(11) "Sponsor" means a person or entity who offers or administers a group legal services plan by contract with one or more legal services contractors, including but not limited to labor unions, employer or employee organizations, teacher organizations, and employee benefit trusts: PROVIDED, That it shall include the Washington state bar association or any county bar association or combination of county bar associations in the state of Washington, or any nonprofit entity formed by any such organizations: PROVIDED FURTHER, That it specifically shall not include any person or entity whose purposes include insurance or banking, nonprofit corporations organized under chapter 24.03 RCW, corporations organized under chapter 24.08 RCW, corporations organized under chapter 24.12 RCW, corporations organized under chapter 24.16 RCW, corporations organized under chapter 24.20 RCW, corporations organized under chapter 24.24 RCW, corporations organized under chapter 24.28 RCW, corporations organized under chapter 24.32 RCW, corporations organized under Title 30 RCW, corporations organized under Title 31 RCW, corporations organized under Title 32 RCW, corporations organized under Title 33 RCW, or the state of Washington and counties, cities, towns, or political subdivisions thereof.

NEW SECTION. Sec. 4. There is hereby created the group legal services commission to consist of five members, to be appointed by the governor, with the consent of the senate as follows: Three from a list of ten attorneys licensed in the state of Washington submitted by the board of governors of the Washington state bar association; two lay citizens, one of which shall be a representative of labor unions and one of which shall be a representative of business management.

Members shall be appointed by the governor within thirty days after the effective date of this 1974 act: One for a one year term, two for a two year term, and two for a three year term. Thereafter, all terms shall be for three years and each member shall hold office until his successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by the governor for the unexpired term in the same manner as the original appointment. Each member of the commission shall satisfy the requirements of chapter 43.17 RCW.

Commissioners shall receive one hundred fifty dollars per day for each day or major

portion thereof spent in the performance of their duties, together with per diem and travel expenses as provided for in chapter 43.03 RCW.

The commission shall promulgate rules and regulations to effectuate the purposes of this 1974 act, pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 5. The commission shall appoint an executive secretary to administer the provisions of this 1974 act under the supervision of the commission, an assistant executive secretary, and such other personnel as may be necessary to effectuate the purposes of this 1974 act. The executive secretary and assistant executive secretary shall receive salaries pursuant to RCW 43.03.040.

The members of the commission, the director, the assistant director, and their confidential secretaries shall be exempt from the state civil service law as provided in chapter 41.06 RCW. All other personnel shall be subject to chapter 41.06 RCW.

NEW SECTION. Sec. 6. It shall be unlawful for any person or entity to offer, provide, operate, agree or contract to offer, sell, or assist in any group legal services or group legal services plan without having in effect a current and valid certificate of approval for such plan issued by the commission: PROVIDED, That any person or entity operating a group legal services plan at the time this 1974 act takes effect shall file an application for a certificate of approval within sixty days thereafter, or within such additional time as the commission may allow.

NEW SECTION. Sec. 7. Applications for approval of group legal services plans shall include such information as may be reasonably required by the commission to carry out the purposes of this 1974 act, and shall include:

(1) The name and address of the person, persons, or entities making the application, and if an entity, the name, actual address, name and address of the registered agent if applicable, and the name and address of each partner, officer, director, and shareholder thereof, and copies of all organizational documents thereof, including articles of incorporation, bylaws, partnership agreements and similar documents;

(2) Documents completely describing the group legal services plan, including but not limited to:

(a) The plan's benefits;

(b) The plan's financial structure, including a complete disclosure of membership fees, contributions by employees, employers, or other persons or entities, the delivery of legal services, and a projection of anticipated income and expenditures;

(c) Rules governing the utilization of the plan's benefits;

(d) Rules insuring the maintenance of the standards of the code of professional responsibility between members and legal service contractors;

(e) Provisions for resolving disputes;

(f) Documented projections of administrative costs;

(g) Copies of all materials to be used indicating benefits, group legal services, legal services contractors, or sponsors; and

(h) Copies of any agreements between the sponsor, legal services contractor, members, attorneys, bar associations, labor unions, law schools, or other entities pertaining to legal services.

NEW SECTION. Sec. 8. The commission may issue a certificate of approval to operate a group legal services plan to an applicant if it finds that all of the following requirements have been met:

(1) The applicant has reasonably satisfied the provisions of this 1974 act.

(2) The applicant's proposed group legal services plan is designed to serve the public interest within the intent of this 1974 act.

(3) The applicant has demonstrated the necessary financial responsibility and ability to carry out the proposed legal services plan. The commission may require the applicant to post a performance bond to satisfy this requirement, in an amount to be established by the commission.

(4) The projected administrative costs of the group legal services plan are reasonable.

(5) Adequate provisions exist to insure the maintenance of the code of professional responsibility between members and legal services contractors, and the ability of any attorney rendering legal services under the plan to exercise his or her independent professional judgment in behalf of each client.

(6) Adequate provisions exist for the maximum practical disclosure to its members of the cost, obligations, and benefits of the plan, the terms and conditions upon which it may be extended, renewed, revised, or cancelled, and of where further information concerning the plan can be obtained.

(7) All fees and contributions or other charges or consideration charged by each sponsor, legal services contractor, and attorney rendering legal services under the plan are reasonable and not excessive, inadequate, or unfairly discriminatory.

(8) The services and benefits offered by the plan are reasonable in scope and extent.

(9) The plan provides an adequate procedure for settling disputes.

NEW SECTION. Sec. 9. Any sponsor may at any time apply to the commission for an amendment to a plan for which a certificate of approval has been issued. Such an application shall be considered in the same manner as an original application, and the commission may amend its certificate of approval to include such features of the proposed amended plan as meet the requirements set forth in section 8 of this 1974 act.

NEW SECTION. Sec. 10. A sponsor shall not derive a profit or commercial benefit from the rendition of legal services by a legal services contractor.

NEW SECTION. Sec. 11. Any sponsor of a legal services plan shall maintain books and records in such a manner as the commission may reasonably require in order that the information contained in them will be readily available to the commission, and such records shall include but not be limited to contributions received and paid, benefits experienced, costs incurred, administrative costs incurred, and profit and loss information.

NEW SECTION. Sec. 12. The commission shall examine the affairs, transactions, accounts, records, documents, assets and liabilities of all sponsors as often as it deems advisable, but at least once every three years. The commission shall have free access during reasonable business hours to all books, records, and papers of the sponsor being examined and may summon and examine under oath its officers, agents, employees, and other persons concerning its affairs and conditions. The commission may also require sponsors to supplement or update the information contained in an application or an approved plan.

NEW SECTION. Sec. 13. Every sponsor shall file annually with the commission a statement verified by one of its owners, partners, or officers containing such information as the commission may reasonably require to carry out the purposes of this 1974 act including, but not limited to, the information set forth in section 11 of this 1974 act.

NEW SECTION. Sec. 14. (1) Any sponsor aggrieved by an action of the commission taken without a hearing may, within thirty days after receiving notice of such action, petition the commission in writing for a hearing, and after the filing of the petition, the action of the commission shall be stayed, and a hearing on the merits of the action of the commission shall be conducted pursuant to chapter 34.04 RCW.

(2) Any person aggrieved by a filing of an application for a certificate of approval may petition the commission for relief. If the commission finds that the petition is made in good faith and the petitioner would be unjustly aggrieved if the grounds in the petition were established, a hearing shall be conducted on the petition pursuant to chapter 34.04 RCW.

(3) Any applicant whose filing is denied in whole or in part may petition the commission for a hearing on the merits, said petition to be filed within thirty days after receiving notice of the denial, and the hearing shall be conducted pursuant to chapter 34.04 RCW.

(4) The commission may upon its own motion, or upon the motion of any person aggrieved, conduct a hearing concerning the revocation of a certificate of approval previously approved. After such hearing, the commission may revoke a certificate of approval previously granted to an applicant, upon finding any of the following conditions exist:

- (a) The certificate of approval was fraudulently obtained;
- (b) The certificate of approval was erroneously issued;
- (c) The sponsor has failed to comply with an order, rule, or regulation of the commission which substantially affects the interests of the public, or any provision of this 1974 act;
- (d) The plan is fraudulently operated; or

(e) The plan is in such condition as to render further operation thereof hazardous to the public interest.

NEW SECTION. Sec. 15. The attorney general shall have authority to enforce the provisions of this 1974 act at the request of the commission, either by injunctive relief or civil action.

(1) Injunctive relief may be granted against any sponsor operating a group legal services plan without a valid certificate of approval and against any sponsor of a group legal services plan which

- (a) Has failed to comply with any provision of this chapter; or
- (b) Is operating a plan fraudulently; or

(c) Is operating a plan in such condition as to render further operations hazardous to the public interest.

Such injunctive relief may include a temporary restraining order prohibiting the transaction of any business and, after a trial on the merits, the issuance of a permanent injunction enjoining further operation of the plan, the appointment of a receiver, and such additional or alternative relief as the court may deem appropriate.

(2) A civil action may be commenced in addition or in the alternative to the injunctive relief authorized in this section, seeking a civil fine in an amount not to exceed ten thousand dollars upon a finding that a certificate of approval was fraudulently obtained, or that a plan was operated fraudulently or without a certificate of approval.

NEW SECTION. Sec. 16. (1) There is hereby created within the state treasury an account to be known as the "group legal services revolving account" which shall consist of all funds received from sponsors as provided in subsection (2) of this section, and all other moneys received from grants, penalties, and any other income from any other source granted or appropriated for the purposes of this 1974 act.

(2) Each sponsor shall pay monthly to the commission a sum not to exceed two percent of the gross payments received by such sponsor during the preceding month in respect to the group legal services plans. The rate shall be fixed by the commission, from time to time, which, together with the income from any other source deposited or credited to such account will permit the commission to meet its anticipated expenditures. No payment to the commission shall be required from any funds granted or provided to sponsors by a state or federal source.

(3) Disbursements from the group legal services revolving account shall be on authorization of the commission or its designated representative to be used for the payment of salaries, wages, and other costs and charges incurred for the operation and administration of the provisions of this 1974 act.

NEW SECTION. Sec. 17. The commission may request the insurance commissioner to provide actuarial and other assistance to enable the commission to fulfill its duties, and the commission shall reimburse the insurance commissioner for the reasonable costs of providing such assistance.

NEW SECTION. Sec. 18. No sponsor or legal services contractor shall discriminate regarding participation in a group legal services plan on account of race, religion, sex, or national origin.

NEW SECTION. Sec. 19. Nothing in this 1974 act shall be construed to relieve any attorney from adherence to the code of professional responsibility as adopted and amended from time to time by the supreme court of the state of Washington.

NEW SECTION. Sec. 20. This 1974 act may be cited as the Group Legal Services Act of 1974.

NEW SECTION. Sec. 21. If any provision of this 1974 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. 22. This 1974 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, in line 1 of the title after "services;" strike the remainder of the title and insert the following: "creating new sections; prescribing penalties; and declaring an emergency."

Signed by: Senators Francis, Chairman; Woody, Vice Chairman; Bottiger, Clarke, Dore, Marsh, Van Hollebeke.

The bill was read the second time by sections.

MOTIONS

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

On motion of Senator Marsh, Engrossed Senate Bill No. 3212 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: "Would Senator Woody yield? Senator Woody, can you tell me how the mind of man can create a set of controls that would keep this or any other benefit plan from being abused?"

Senator Woody: "I certainly can. If you will look at this particular bill you will see that under section 14 there are very stringent requirements and any person aggrieved, which means you, Senator, can file before the commission a hearing whereby an entire plan would be undone and in the event that particular commission does not go along with you, you can appeal that to the Superior Court. If you found any abuses at all, you as an aggrieved person, it does not take a class but you as an aggrieved person, can file before the hearing board or the Superior Court."

Senator Guess: "A fat chance you would have of getting a decision on a deal like that, it has been my experience so far."

Senator Woody: "Have you read this bill, Senator Guess?"

Senator Guess: "No, I will have to admit I have not. I thought I would find out about it."

Senator Woody: "I have written this thing so tightly that even you would be happy with it."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3212, and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; absent or not voting, 1; excused, 6.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Donohue, Dore, Durkan, Francis, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—37.

Voting nay: Senators Fleming, Grant, Guess, Matson, Talley—5.

Absent or not voting: Senator Sellar—1.

Excused: Senators Day, Greive, Metcalf, Newschwander, Rasmussen, Stortini—6.

ENGROSSED SENATE BILL NO. 3212, having received the constitutional 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 Van Hollebeke, Engrossed Senate Bill No. 3212 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Dore, the Senate commenced consideration of Senate Bill No. 3317.

SECOND READING

SENATE BILL NO. 3317, by Senators Dore and Mardesich:
Enacting the Insurance Industry Regulation Act of 1974.

MOTIONS

On motion of Senator Dore, Substitute Senate Bill No. 3317 was substituted for Senate Bill No. 3317 and the substitute bill was placed on second reading and read the second time in full.

Senator Dore moved adoption of the following amendment by Senators Dore, Mardesich, Odegaard, Jolly, Marsh, Beck, Donohue, Francis, Greive, Ridder, Stortini, Woody, von Reichbauer, Connor, Washington, Walgren, Van Hollebeke, and Day:

On page 5 of the substitute bill, following section 7, insert new sections as follows:

"NEW SECTION. Sec. 8. The legislature recognizes that the present shortage of energy affects the lives of the citizens of the state of Washington in a great variety of ways. One of the most noticeable and extensive effects has been a reduction in motor vehicle traffic, both in use and in speed. The result of this lessened motor vehicle usage has been a reduced accident rate, and insurance carriers writing motor vehicle casualty insurance have benefitted financially from a more favorable accident experience.

It is the intent of the legislature that such resulting financial gain be passed along to motor vehicle insurance policyholders to partially offset some of the other burdens placed on them by the energy crisis. Consequently it shall be the purpose of sections 8 through 11 of this 1974 amendatory act to provide a temporary adjustment in motor vehicle insurance premiums to reflect the financial impact of the energy shortage on companies offering motor vehicle casualty coverage.

NEW SECTION. Sec. 9. The provisions of RCW 48.19.440 insofar as they relate to motor vehicle casualty insurance rates are superseded by sections 8 through 11 of this 1974 amendatory act during the present condition of motor vehicle use curtailment. Such condition shall be deemed to exist whenever the most current records of the state highway department show that average miles traveled per motor vehicle is below the level of the corresponding month of 1972 and the maximum posted daytime speed limit on the majority of the interstate highway system within this state is less than seventy miles per hour. Whenever such average miles per vehicle returns for three consecutive calendar months to the level existing for the corresponding month of 1972 and the maximum posted speed limit on the majority of the interstate highway system in this state returns to seventy miles per hour, the condition of motor vehicle use curtailment shall be deemed to be over, the emergency powers conferred by sections 8 through 11 of this 1974 amendatory act shall be terminated, and the provisions of RCW 48.19.440 shall resume their full force and effect, unless otherwise amended by the legislature.

NEW SECTION. Sec. 10. During a period of motor vehicle use curtailment as defined by section 9 of this 1974 amendatory act, motor vehicle casualty insurance rates and premiums shall be reduced by five percent on May 1, 1974. The insurance commissioner shall, upon receipt of a written request by an individual insurer for a show cause hearing on the premium and rate reduction, hold such hearing. The insurance commissioner, after notice and hearing, and upon finding that any individual insurer would not earn excess profits at the rates in effect before such five percent reduction, may order relief from such five percent reduction in motor vehicle casualty insurance premiums and rates as he finds to be justified after such hearings.

NEW SECTION. Sec. 11. The provisions of sections 8 through 11 of this 1974 amendatory act are intended to be temporary and shall expire when the insurance commissioner, after notice and hearing, finds that for three consecutive calendar months there no longer exists a condition of motor vehicle use curtailment, as defined in section 9 of this 1974 amendatory act.

NEW SECTION. Sec. 12. Sections 8 through 11 of this 1974 amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber section 8 as section 13.

POINT OF ORDER

Senator Clarke: "Point of order, Mr. President, that the proposed amendment would expand the scope and object of the bill, and speaking upon the point; in order to understand this it is necessary to explain what Substitute Bill No. 3317 is intended to accomplish. This bill is an amendment to the insurance code and we have to go back to the original insurance code which was enacted in 1947. And that bill was quite a voluminous enactment. When it came on for passage at the very last of a long session, then Senator Rosellini, later Governor, proposed an objection to the rating sections insofar as they applied to casualty insurance. And as a result of that there were insertions throughout the code of a simple statement to the effect that this section does not apply to casualty insurance. And then at the very end of the code there was a section that related to casualty insurance.

"Now this has gone on throughout the years with a sort of an uncertainty as to what the effect of the section was. The Insurance Department then requested a correction so that in effect those exclusions relating to casualty insurance should be stricken and also the provisions which would have applied to casualty rates. This then simply corrected the insurance code in such a way that the rating of casualty insurance insofar as all of the different criteria would be exactly the same as the other phases of insurance. Now this was the object of the bill as proposed at the request of the Insurance Department.

"The amendment as proposed by Senator Dore would create an entirely different and new situation. In effect, it would ask this legislature to take over the functions, the administrative functions of the Insurance Department with respect to a specific rate fixing on automobile insurance.

"Now this is completely contrary to the original concept of the bill and it is perhaps best illustrated by the fact that there was an identical bill which would have accomplished this at a different percentage that was opposed by the Insurance Commissioner at a hearing before the Financial Institutions Committee. So I submit that the proposed amendment not only completely changes the original objective of the bill, but is quite contrary thereto."

Debate ensued.

REMARKS BY THE PRESIDENT

The President: "Senator Dore, Senator Clarke, the President believes this is a question that will take considerable study. The President could put you to ease until approximately midnight."

Further debate ensued.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 3317, together with the proposed amendment by Senators Dore and others, and the point of order by Senator Clarke, was ordered held pending a Ruling by the President and the Senate proceeded with the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on Commerce (originally sponsored by Representatives Gallagher and Conner):

Providing for a state lottery.

MOTION

On motion of Senator Herr, Engrossed Substitute House Bill No. 29 was ordered placed at the beginning of the second reading calendar for Tuesday, April 23, 1974.

MOTIONS

On motion of Senator Durkan, the Committee on Ways and Means was relieved from further consideration of Substitute Senate Bill No. 3220.

Debate ensued.

On motion of Senator Durkan, Substitute Senate Bill No. 3220 was ordered placed on the second reading calendar for Tuesday, April 23, 1974.

President Pro Tempore Henry assumed the Chair.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 90, by Committee on Ways and Means (originally sponsored by Representatives Kopet, Thompson and Curtis) (by Legislative Budget Committee request):

Providing for filing of personal service contracts.

REPORT OF STANDING COMMITTEE

April 18, 1974.

SUBSTITUTE HOUSE BILL NO. 90, providing for filing of personal service contracts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5, after "contracts" and before "entered" insert ", including renewals and amendments of existing contracts,"

On page 1, line 12, after "contracts" and before the period insert "regardless of the source of funds".

On page 1, line 13 after "basis" delete "individual" and insert "specific classes of".

On page 1, line 25, delete "not more than five days after" and insert "prior to".

Signed by: Senators Durkan, Chairman; Odegaard, Vice Chairman; Bailey, Canfield, Fleming, Mardesich, Marsh, Metcalf, Peterson (Ted), Rasmussen, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Durkan, the committee amendments were considered and adopted simultaneously.

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

On page 2, line 2, after "committee" insert "and the office of program planning and fiscal management".

On motion of Senator Durkan, Substitute House Bill No. 90, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 90, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent or not voting, 3; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Canfield, Clarke, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Twigg, Walgren, Wanamaker, Washington, Whetzel, Woodall—39.

Voting nay: Senators Van Hollebeke, von Reichbauer, Woody—3.

Absent or not voting: Senators Bottiger, Connor, Dore—3.

Excused: Senators Greive, Newschwander, Rasmussen, Stortini—4.

SUBSTITUTE HOUSE BILL NO. 90, as amended by the Senate, having received the constitutional majority, 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. 188, by Representatives Knowles, Julin and Wojahn (by Judicial Council request):

Providing for a change in the method of computing the salary of the court administrator.

The bill was read the second time by sections.

On motion of Senator Bailey, Engrossed House Bill No. 188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 188, and the bill passed the Senate by the following vote: Yeas, 34; nays, 7; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Beck, Bottiger, Clarke, Connor, Day, Durkan, Francis, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Sandison, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woody—34.

Voting nay: Senators Canfield, Grant, Jones, Odegaard, Ridder, Scott, Woodall—7.

Absent or not voting: Senators Bailey, Donohue, Dore, Fleming—4.

Excused: Senators Greive, Newschwander, Rasmussen, Stortini—4.

ENGROSSED 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

SUBSTITUTE HOUSE BILL NO. 670, by Committee on Transportation and Utilities (originally sponsored by Representatives Nelson, Gilleland, Charnley and Beck):

Authorizing and funding for public transportation systems.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 670 will be placed second on the second reading calendar for Tuesday, April 23, 1974.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 779, by Committee on Education (originally sponsored by Representatives Johnson, Fortson and Laughlin):

Implementing laws relating to the teachers' retirement system.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 779 will be placed third on the second reading calendar for Tuesday, April 23, 1974.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry and Kraabel):

Preserving allocations of urban arterial trust account funds when construction delayed due to court order.

MOTION

On motion of Senator Walgren, Substitute House Bill No. 867 will be placed fourth on the second reading calendar for Tuesday, April 23, 1974.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 869, by Committee on Ecology (originally sponsored by Representative Luders):
Relating to air pollution.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 869 will be placed fifth on the second reading calendar for Tuesday, April 23, 1974.

MOTION

Senator Grant moved that Substitute House Bill No. 1037 be considered after consideration of Engrossed Substitute House Bill No. 1185.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Grant yield to a question? Senator Grant, 1037 has to do with the egg industry and I am just wondering what is the purpose of your amendment."

Senator Grant: "Senator Bottiger, the reason I want to have an opportunity to read this in greater detail is because I am in the egg business and there may be a conflict of interest."

Senator Bottiger: "Senator Grant, I have an amendment up there to prohibit legislators from selling eggs."

The motion by Senator Grant carried and Substitute House Bill No. 1037 will be considered after Engrossed Substitute House Bill No. 1185.

SECOND READING

HOUSE BILL NO. 1269, by Representatives Conner and Savage:

Adding additional judge for counties of Clallam and Jefferson jointly.

The bill was read the second time by sections.

On motion of Senator Sandison, the following amendment by Senators Durkan and Sandison was adopted:

After line 15, add the following new section:

"*NEW SECTION.* Sec. 2. There is hereby appropriated from the state general fund the sum of \$18,400 to implement the purposes of this act."

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

In line 3 of the title, after "2.08.064" and before the period insert "; and making an appropriation".

On motion of Senator Francis, 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.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1269, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—44.

Absent or not voting: Senator Connor—1.

Excused: Senators Greive, Newschwander, Rasmussen, Stortini—4.

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. 1037, by Committee on Agriculture (originally sponsored by Representative Kilbury):

Regulating the egg industry.

The bill was read the second time by sections.

On motion of Senator Jolly, the following amendments were adopted:

On page 3, line 23, after "number" insert "*for each location from which the licensee intends to operate*".

On page 3, line 24, after "agriculture." and before "*permanent*" insert "*Each such*".

On page 3, line 25, after "eggs" insert "*showing the location where*".

On page 4, line 16, after "number" insert "*or numbers*".

On page 7, line 19, after "*director.*" strike the remainder of the section.

On page 9, line 3, after "established." insert a new section as follows:

"*NEW SECTION. Sec. 12. The costs of conducting any audit provided for in this act shall be borne in full by the dealer if the dealer's report and payment of the assessments due is two percent or more under what the audit shows is actually due.*"

Renumber the remaining sections consecutively.

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

On page 11, following section 17, line 28, strike all of section 18.

On motion of Senator Jolly, Substitute House Bill No. 1037, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1037, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Twigg, von Reichbauer, Walgren, Wanmaker, Washington, Whetzel, Woody—38.

Voting nay: Senators Francis, Grant, Guess, Knoblauch, Talley, Van Hollebeke, Woodall—7.

Excused: Senators Greive, Newschwander, Rasmussen, Stortini—4.

SUBSTITUTE HOUSE BILL NO. 1037, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3317, by Committee on Financial Institutions (originally sponsored by Senators Dore and Mardesich):

Enacting the Insurance Industry Regulation Act of 1974.

The Senate resumed consideration of Substitute Senate Bill No. 3317, a pending amendment by Senator Dore and others which was moved for adoption earlier today and the point of order raised by Senator Clarke on the scope and object of the amendment by Senator Dore and others.

RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order as presented by Senator Clarke, the President finds that Substitute Senate Bill No. 3317 is merely a measure which strikes language from the insurance code and thereby applies the same criteria to casualty insurance that is applied to other types of insurance.

"The amendment proposed however, pertains to insurance rates and the energy crisis and in fact sets a specific reduction in insurance rates and suspends existing laws with reference to the method of setting rates. The amendment, therefore, does increase the scope and object of the bill."

The amendment by Senator Dore and others was ruled out of order.

On motion of Senator Dore, Substitute Senate Bill No. 3317 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3317, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-44.

Absent or not voting: Senator Fleming-1.

Excused: Senators Greive, Newschwander, Rasmussen, Stortini-4.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, by Committee on Ways and Means-Revenue (originally sponsored by Representatives Sommers, Shinpoch, Perry, Erickson, Bender and Blair):

Making revision to the timber taxation laws.

MOTION

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 1185 was made a special order of business for Tuesday, April 23, 1974 at 11:00 a.m.

MOTION

On motion of Senator Bailey, all Senate bills acted upon today were ordered immediately transmitted to the House.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 3143,
 SENATE BILL NO. 3202,
 SUBSTITUTE SENATE BILL NO. 3256,
 SENATE BILL NO. 3358.

MOTION

At 9:45 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Tuesday, April 23, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, April 23, 1974.

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, Dore and Newschwander.

The Color Guard, consisting of Pages John Rapp and Louise Achey, presented the Colors. Doctor Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered the following prayer:

"O THOU WHO ART ABOVE US, AROUND US AND WITHIN, TO WHOM WE BELONG AS TO NO OTHER, WE WAIT BEFORE THEE FOR A GLIMPSE OF THE LARGER VISION AND FOR A NEW AWARENESS OF THE NEAR AT HAND. LOOK UPON US WITH MERCY AND WITH LOVE AS WE PRAY. HELP US WITH THE TASKS BEFORE US. WE WOULD BE SENSITIVE TO THE NEEDS ABOUT US, OUR RESPONSIBILITY TOWARD THEM AND ABOVE ALL TO THY LEADING IN THEM. THROUGH CHRIST OUR LORD. AMEN."

MOTION

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

MOTION

On motion of Senator Lewis (Harry), the following resolution was adopted:

SENATE RESOLUTION 1974-262

By Senators Lewis (Harry), Bailey, Mardesich, Atwood, Grant and Matson:

WHEREAS, The Legislature of the state of Washington has been convening on an annual basis since 1969 for at least a thirty day period each session; and

WHEREAS, The Legislature of the state of Washington has streamlined its operation and embarked on a new period of fiscal authority; and

WHEREAS, The Legislature in its present continuing session concept has increased full-time professional staff and research operation facilities allowing legislators to be better informed on the issues before them; and

WHEREAS, Maintenance of the citizen part-time legislator concept is dependent upon balancing the time requirements of the people's business against the necessity of allowing legislator time for personal business and financial affairs; and

WHEREAS, Senate Joint Resolution No. 105, presently residing in the House of Representatives, provides an appropriate method by which the balancing of legislature time and legislators' time can be accomplished, and provides a device allowing retention of full-time professional staff by the legislature, and moreover, provides parameters with which future legislative action will take place with its provisions for annual sessions;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Senate respectfully requests of the House of Representatives and the Speaker of the House that Senate Joint Resolution No. 105 be given immediate favorable consideration; and

BE IT FURTHER RESOLVED, That this message be transmitted immediately to the House of Representatives by the Secretary of the Senate.

MOTION

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

SENATE RESOLUTION 1974-259

By Senators Durkan, Day, Rasmussen and Odegaard:

WHEREAS, The price of health care for the citizens of the United States is expected to be \$100 billion between July 1st of 1973 and June 30th, 1974; and

WHEREAS, Despite the increasing cost of health care it remains difficult if not impossible for the poor, the working poor, the aged, and those living in rural areas to have access to quality health care; and

WHEREAS, Health care benefits for the working middle class citizen vary greatly, and the accessibility of health care is not assured despite the financing mechanisms available to workers;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the federal Congress shall proceed with all deliberate speed to establish a national health care system that shall set comprehensive health care as a right of all United States residents; that such a system shall be equitably financed by federal social insurance and general tax revenues; that the national health care system shall be reorganized to ensure an equal, efficient, and effective health care delivery system with free choice of health care provided without discrimination as to method; that adequate health manpower, services, and facilities shall be made available to the public; and

BE IT FURTHER RESOLVED, That the national health care system should reduce reliance upon cumbersome claims paying mechanisms by providing lump sum annual or monthly payments to health delivery organizations which are close to the people, integrate health care for their members, and are able and willing to assure quality of care with freedom of choice and control costs; and

BE IT FURTHER RESOLVED, That to guarantee accountability and to ensure responsiveness to the public, consumer participation shall be made a priority goal in the establishment, implementation, and maintenance of a national health care system; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington.

MOTION

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

SENATE RESOLUTION 1974-253

By Senator Washington:

WHEREAS, The legislature and the voters have approved shoreline management legislation which was designed to protect the state's shorelines; and

WHEREAS, There has been confusion over the interpretation of the act with respect to the Department of Ecology's definition of flood plains; and

WHEREAS, The definition of agricultural structure is not clear and has led to varying interpretations; and

WHEREAS, There are problems with the meaning and application of the act concerning irrigation structures; and

WHEREAS, The legislature is concerned with the application of the act and the requirements with which local governments have had to comply;

NOW, THEREFORE, BE IT RESOLVED, That the legislature study the problem of flood plain zoning, agricultural and irrigation structures, and their relation to the shoreline management act; and

BE IT FURTHER RESOLVED, That the Senate Ecology Committee report back to the next regular session of the legislature on findings and recommendations.

MOTION

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

SENATE RESOLUTION 1974-245

By Senators Bottiger, Peterson (Lowell), von Reichbauer, Mardesich and Metcalf:

WHEREAS, The recent federal court decision in the case of the United States Government vs. the State of Washington (U.S. District Court, Western District of Washington at Tacoma, Civil Number 9213, February 12, 1974) has overturned long standing Washington state statutes designed to conserve our fisheries resources; and

WHEREAS, The application of the court decision may affect other natural resources such as water, mineral deposits, forest products, and game animals; and

WHEREAS, The fishing resource has been substantially paid for by the taxes and fees of all of our citizens; and

WHEREAS, The court decision leaves a void in the regulation and preservation of the natural resources of this state and potentially of all states in the Union containing lands regulated by the same or similar treaties; and

WHEREAS, The decision substantially modifies long standing United States Supreme Court decisions under which the states were permitted to preserve and regulate their natural resources; and

WHEREAS, In some instances fish and species of fish have been developed by this state since the signing of the treaties; and

WHEREAS, One of the continuing goals of this country has been to create equality among all of its citizens as evidenced by the Thirteenth, Fourteenth, Fifteenth, and Twenty-Sixth amendments to the Constitution of the United States, Decisions of the United States Supreme Court, the Civil Rights Act of 1964, and the Equal Rights Amendment to the Constitution of the United States which has been passed by Congress and ratified by thirty-three states; and

WHEREAS, The effect of the recent court decision is to establish a preferential treatment of one race over others;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that it respectfully requests that:

(1) The United States government seek agreements with all tribes of American Indians to renegotiate existing treaties in order to achieve the goal of equal rights for all;

(2) The Congress of the United States reaffirms the right of the several states to regulate their natural resources; and

BE IT FURTHER RESOLVED, That until such time as the treaties are renegotiated and the right to regulate our natural resources is reaffirmed that the Senate respectfully requests that:

(1) The Congress provide the funds necessary for the states to supervise the above mentioned federal court decisions; and

(2) The Congress provide sufficient funds to the states for the replacement of fish runs and wild life under the Block Grant Program; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate cause suitably engraved copies of this resolution to be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

MOTIONS

On motion of Senator Atwood, Senator Matson was excused.

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

SENATE RESOLUTION 1974-257

By Senators Beck and Bailey:

WHEREAS, Members of local fire departments are highly trained in life saving skills; and

WHEREAS, Randy Patterson of the Gig Harbor Fire Department and a member of Gig Harbor Grange No. 445, responded to an emergency at a cave-in at a sewer construction site; and

WHEREAS, In desperate efforts to save the life of a construction worker trapped in the cave-in and into which a water line had broken with 4,000 gallons of water a minute rushing into the excavation; and

WHEREAS, Despite almost insurmountable handicaps, Patterson even tried to give the trapped construction worker mouth-to-mouth resuscitation while the man was trapped under water; and

WHEREAS, These efforts were not successful and the worker perished despite valiant life-saving attempts by the rescue crew;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington commend Randy Patterson for his heroic efforts in carrying out his duties in the finest traditions of those in the emergency services; and

BE IT FURTHER RESOLVED, That a copy of this resolution be suitably inscribed and presented to Randy Patterson of the Gig Harbor Fire Department.

MOTION

Senator Mardesich moved adoption of the following resolution:

SENATE RESOLUTION 1974-263

By Senator Mardesich:

WHEREAS, Many urgent matters facing the Legislature are yet to be resolved, and

WHEREAS, Many new problems will most likely arise between now and the convening of the Forty-fourth Session of the Legislature; and

WHEREAS, It is extremely difficult and cumbersome to assign studies to the individual standing committees in the short time remaining in the Third Extraordinary Session of the Forty-third Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Rules Committee is hereby granted the power and authority to assign studies on subject matters to one or more committees; and

BE IT FURTHER RESOLVED, That the Rules Committee is hereby granted the power to authorize joint studies with the House of Representatives' standing committees; and

BE IT FURTHER RESOLVED, That the Rules Committee is hereby granted the power and authority to request assistance of all units of state and local government requested by committees in their studies, or to conduct studies on their own if the Rules Committee so deems necessary; and

BE IT FURTHER RESOLVED, That members desiring studies be made shall transmit their requests to the Rules Committee as soon as possible; and

BE IT FURTHER RESOLVED, That the Rules Committee is granted the authority to schedule committee meetings; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee is granted the authority to assign studies and schedule committee meetings when time does not permit the calling of the full Rules Committee.

POINT OF INQUIRY

Senator Walgren: "Will Senator Mardesich yield? Does this mean that the chairmen of the committees cannot schedule any. . . ."

Senator Mardesich: "That does not mean that at all. No."

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

NOTICE OF ATTENDANCE

Senator Bailey advised the Secretary of the Senate that he is now present, having been absent from convening at 10:00 a.m. until this time at 10:25 a.m.

MOTION

Senator Day moved adoption of the following resolution:

SENATE RESOLUTION 1974-244

By Senators Day, Jones and Van Hollebeke:

WHEREAS, The effectiveness of Washington State's correctional programs has been the subject of concern by various elements of the community including the courts, law enforcement authorities, public officials, correctional personnel, inmates and the citizenry at large; and

WHEREAS, The Secretary of the Department of Social and Health Services has created a separate Division of Corrections, and is currently studying the present corrections system and is committed to instituting changes therein; and

WHEREAS, The twin objectives of the public safety and the habilitation of legal offenders must be served with adequate attention being given to the development of a classification system of dangerous and non-dangerous offenders with appropriate levels of security respectively; and

WHEREAS, There is a need to explore alternatives to the incarceration of large numbers of offenders in large insulated institutions in order to prevent and contain prison insurrections, to provide better counseling techniques and prepare the offender for a productive life in the community after custody;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the legislature recognizes the need for the study of reforms in the corrections system of the state, and requests that the Senate Committee on Social and Health Services, jointly with the House Committee on Social and Health Services, conduct an investigation of the corrections facilities and make a study of the corrections system, and report its findings and recommendations to the 44th Session of the legislature. In making such study the Senate Committee shall consult with the Department of Social and Health Services, the Board of Prison Terms and Paroles, law enforcement authorities, the courts and such other persons and organizations in the community as will effectuate the purposes of the study.

MOTION

On motion of Senator Day, the following amendment to the resolution was adopted:

On page 1, line 15 of the resolution, after "custody" and before the period, insert " , coupled with security for the law-abiding citizens of the state;"

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? Senator, by this resolution is it the intent of your committee to advance the proposition of community based prisons and to remove the reformatory and the prison at Walla Walla?"

Senator Day: "It is not. It is the intent of the committee to advance the understanding of objective facts relative to the prison system and to develop the type of a program which not only is beneficial to the rehabilitation of those prisoners but as the amendment states is also addressed to the security of the state."

The motion by Senator Day carried and the resolution, as amended, was adopted.

MOTION

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

SENATE RESOLUTION 1974-246

By Senators Bottiger and Sellar:

WHEREAS, Many collisions between automobiles and railroad cars occur each year, injuring or killing many persons and causing great property damage; and

WHEREAS, A disturbing proportion of car-train accidents occur at night when automobile drivers, arriving at a crossing after the engine has passed and too late to be warned by approaching lights and whistles, proceed into the darkened middle of the passing train; and

WHEREAS, Many rail cars in the United States travel between states and cross into Canada in the course of commerce;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That we do hereby encourage the Congress to enact legislation and the Department of Transportation to enact rules and regulations requiring the marking of the sides of railroad cars with light reflectorization material, and that uniform regulations on this subject be sought with Canada; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Richard M. Nixon, President of the United States, to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each member of the Congress from this State, and to the Secretary of the Department of Transportation.

MOTION

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

SENATE RESOLUTION 1974-260

By Senators Guess and Washington:

WHEREAS, The department of ecology has conducted hearings on proposed regulations to govern the base flow for rivers and streams; and

WHEREAS, The public reaction has not been favorable to the proposed rules and other management of the proposals of the department; and

WHEREAS, The legislature is concerned with the preservation and protection of the environment as well as various uses to which water can be put; and

WHEREAS, The department will be seeking alternatives to their existing management proposals which should be undertaken in conjunction with the legislature since such proposals will directly affect the neighboring states of Idaho and Oregon;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Ecology Committee study the problem of base flows, the requirements of the 1971 Water Resources Act, and other matters related to the question of stream flow and stream management as it is interpreted and administered by the department of ecology; and

BE IT FURTHER RESOLVED, That the results of such study and any recommendations shall be reported back to the 1975 regular session of the legislature.

MOTION

Senator Sellar moved adoption of the following resolution:

SENATE RESOLUTION 1974-250

By Senator Sellar:

WHEREAS, The United States Navy is proposing to move its Boardman, Oregon, Weapons Training Range; and

WHEREAS, One of the alternate sites is located in Northeastern Douglas County in Washington state; and

WHEREAS, Selection of this site would remove eight thousand acres of wheat land and twenty-two thousand acres of cattle range land from production; and

WHEREAS, Some twenty-four farm families would be seriously affected or displaced; and

WHEREAS, The removal of this land from private ownership would result in an annual tax loss of ten thousand dollars to Douglas County, its schools and taxing districts;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the Washington State Legislature that the United States Navy be encouraged to retain its present site at Boardman or seek a suitable alternate site on land currently owned by the United States Government and preferably a site such as an existing military reservation already used for similar purposes; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Secretary of the Navy and to each member of the Congress from the State of Washington.

POINT OF INQUIRY

Senator Canfield: "Will Senator Washington or Senator Sellar yield to a question? Senator Sellar, since the Boardman Range is right across the river from my district, I would be interested in knowing why the Navy is planning to give up that Boardman site if such be true, and why they are looking for a site in Douglas County. I would be interested in some facts on this."

Senator Sellar: "Yes, Senator Canfield. This involves the location of a nuclear power plant adjacent to the Boardman site. It has been proposed because of safety factors that this bombing range - and incidentally they do drop practice bombs - and from this site. Now the facts are that they do not have to move it, that the safety factor is not any less there than it is in the Grand Coulee site. They do not have to move the Boardman site. This is all tangled up in an irrigation project and what it is going to do is, it is going to take farm land out of production in the state of Washington and it is going to put farm land into production in the state of Oregon. Now that is what it is going to do, gentlemen. The Boardman site does not have to be moved and that is the thing that we are just kind of getting out of perspective here."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Sellar, I built the Boardman Range and so help me Hannah, I could not find anything that would raise enough food for a jackrabbit down there. And one morning in February when we were making repairs on the pylons and I had a clear range for four hours, it was under the white flag, all of a sudden here came a wave of B-17's and I wonder if you could tell me what they dropped."

Senator Sellar: "Senator Guess, I was not there, obviously, so I have no idea what they dropped."

Senator Guess: "They dropped a bunch of blue cans. They were canisters. They were dummy bombs. But that day and age is gone. Now today they do it all electronically. And I believe that Senator Beck is correct when he says it is done electronically because we have the bomb exercises of the world at Fairchild Air Force Base every other year or so. It just depends on how high our boys have tested as to whether or not we get the world series. But they do not drop anything. They have a series of checkpoints that are electronic stations and they register the accuracy of the bombing by the electronic means. Now have you seen anything that says it is going to take land out of production? Is it going to make them move off the land?"

Senator Sellar: "Yes sir."

Senator Guess: "You are sure of that?"

Senator Sellar: "Yes sir."

Senator Guess: "Okay."

Senator Sellar: "I think it is academic whether they are actually dropping a practice bomb or not. The fact is that they will go in and if they need to, they will condemn production land and they will move families off it. I do not care whether they are going to drop something on them or not, Senator."

Senator Guess: "I was not aware that they were really going to move people off the ground. If they are going to do that, then that is a different matter."

Senator Sellar: "There is a fact sheet addendum to the resolution that I think will address itself to that."

REMARKS BY SENATOR WANAMAKER

Senator Wanamaker: "In answer to that, Mr. President, yes, they will be moving those off but the land will not be going out of production. The Navy will be taking approximately thirty thousand acres. Of this they estimate about six thousand now is being farmed. This land will be leased back, which the Navy does. Their idea of taking that amount is in order to be able to have control, so that housing projects and such as that cannot move into the area. The land will be leased back to the farmers. Also, as far as you are saying about moving people off, they will also be moving in about thirty families into the area in order to operate the site."

POINT OF INQUIRY

Senator Bottiger: "Would Senator Wanamaker yield to a question? You know, I have always been for maximum use of existing facilities and we have a fantastic bombing range in Yakima, and I do not want to get into an argument on who the airplanes fly over, but why in the world don't they just use the one they have got?"

Senator Wanamaker: "I can answer that. The reason for that, as you understand that they are training new young pilots. Now as far as Yakima is concerned, they claim that the terrain is such that they are having to dive in the valleys between the bluffs and the hills, of which they are afraid to put young pilots in there because they are not experienced enough in order to be able to pull out. Also they are using the Yakima range, the Army is using it for anti-aircraft fire and if you happen to put a young pilot in when they were having anti-aircraft practice, there undoubtedly would be some casualties. Therefore, they feel that it would not be compatible nor be able to work to go into that particular area. They have looked at it. That has been one of the seven sites that they have looked at."

MOTIONS

Senator Francis moved that Senate Resolution 1974-250 be withdrawn.

Further debate ensued.

On motion of Senator Mardesich, Senate Resolution 1974-250 was referred to the Committee on Rules.

MOTION

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

SENATE RESOLUTION 1974-255

By Senators Francis, Durkan, Ridder, Walgren, Van Hollebeke and Dore:

WHEREAS, Citizen confidence in law enforcement agencies is a vital component of the cooperation between civilians and law enforcement personnel necessary for effective control of crime; and

WHEREAS, Such confidence may be eroded by allegations of unnecessary use of force, and allegations of unrestrained use of surveillance and intelligence-gathering tactics; and by questions raised by law enforcement agencies investigating charges brought against them; and

WHEREAS, An increase in the number of such incidents has been reported; and

WHEREAS, There are a number of questions regarding the ability of law enforcement agencies to investigate public charges against said agencies; and

WHEREAS, There exist questions regarding the propriety of gathering and use of information on public figures or officials and the invasion of privacy of individuals;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Senate hereby requests the Judiciary Committee to study these questions; and

BE IT FURTHER RESOLVED, That said committee is requested to transmit a report of such study and its recommendations to the next regular session of the legislature for its consideration.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Woodall and Walgren to escort Senator Robert W. Twigg and his wife, Margaret, to a place of honor upon the rostrum.

MOTIONS

On motion of Senator Atwood, all members of the Senate and the President of the Senate, John Cherberg, were added as sponsors to Senate Resolution 1974-258.

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

SENATE RESOLUTION 1974-258

By Lieutenant Governor John A. Cherberg, Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody: WHEREAS, Robert W. Twigg has served the Seventh Legislative District as a Senator of the state of Washington from 1967 through 1974; and

WHEREAS, Robert Twigg has served this district comprised of Pend Oreille, Ferry, Stevens, Lincoln and parts of Spokane and Okanogan Counties with honor and distinction; and

WHEREAS, Robert has always placed the needs of his constituency foremost in his mind in making legislative decisions; and

WHEREAS, Robert has contributed admirably to the work of the Senate as a member of the Judiciary and Social and Health Services Committees, and minority chairman of the Agriculture Committee; and

WHEREAS, Robert sits as a member of the Municipal Research Council by appointment by the President of the Senate; and

WHEREAS, Robert served his country faithfully in World War II as a Lieutenant Junior Grade in the Navy; and

WHEREAS, Robert, a native of Seattle and graduate of Gonzaga University lives with his wife Margaret in Chattaroy Hills, lending strength to his community as a practicing attorney and member of the Washington State Bar Association and National Association of Real Estate Brokers; and

WHEREAS, Robert has been primary in securing for the city of Spokane international renown as the site of EXPO 74; and

WHEREAS, Robert continues to devote substantial time and effort to the success of the World Fair as an EXPO Commissioner;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does hereby commend Robert W. Twigg for his many years of public service and express to him appreciation for many benefits which have resulted from his extensive efforts for the citizens of the Seventh Legislative District and of the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Senator Twigg by the Secretary of the Senate.

With the consent of the Senate, business was suspended to permit the following remarks regarding Senator and Mrs. Robert W. Twigg:

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President, lady and gentlemen of the Senate, this is a different sort of retiree we are honoring here today. He has not had twenty-two years of continuous service. But he has had eight years of good and faithful service. He is one of our outstanding members of our caucus and it is a real tragedy to the state to have a very qualified professional man have to leave this body because of the time it takes and the effort it takes to serve a new district of extreme size. Senator Twigg has been a close personal friend of mine and I know of many of you on the other side of the aisle, and I think that we will miss him very sorely on this side and I know that you will on your side. He has done much for this state. He was one of the prime movers of getting the Expo legislation through this legislature and I hope and I know that we will see Bob again. He is a young man and I am sure that Spokane County will be the beneficiary of services in the future from him. Mrs. Twigg has been right beside Bob the whole time of his service, and I am sure that she will also miss this place. We are sorry to see you go, Bob, especially me."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Mr. President and members of the Senate, I join in what has been said. This is a sad hour personally for me. My best friend in the Senate a few years ago, Marshall Neill, with whom I worked closely, wrote me a letter immediately upon the election of Bob Twigg and said, 'You are going to like this guy.' And I began to receive letters from different people and sometimes carbon copies went to him. I never had seen him or known him. I was out of state at the time we had our first caucus, so I did not meet him until a given Sunday night. I shall never forget. I walked into our caucus room and I saw him and I said, 'You are the guy I am supposed to like.' He stuck out his hand and with that famous smile of his he says, 'Why not?' It is typical of him. In all of my time that I have been here, I have never known one man who in such a short period of time made as many friends on both sides of the aisle. Sometimes it takes years. He has that faculty of making friends immediately.

"I am going to mention a matter now because it illustrates how he is regarded. He came to me one day and said, 'Perry, what do you think about let us just for kicks start a little investment club? Get five Republicans and five Democrat guys who are good guys and just for fun give me one hundred dollars a month and see what I can do with it.' I said, 'Senator Twigg, if you can do with my dough what you have done with yours, I am for it.' He formed this little club and I mention it only for this reason; you have read some write-ups in the media trying to make something bad out of it. Nothing bad about it, nothing wrong about it. We send him one hundred dollars a month or one hundred and fifty, and he sees if he can find something attractive to buy for us. I mention this because many of the Democratic Senators have never even seen what he has purchased. They have never even gone over to check. And he tries once a year to have a meeting with us to have an

accounting, and we get socially inclined and the first thing you know everyone accepts his reports without even hearing them. I mention this only to show how people feel about him. I mentioned that when I re-drew my will I willed everything I had to him in trust for my daughter, entrusting to him the proper administration of it. When I filed for office two years ago, he was the first to declare for me. I have spent nights in his home with him and his lovely wife Meg. He arranged a meeting in Spokane for me, stood up and announced that I was his best friend in the Senate, came to Yakima, did the same thing in Seattle. As one man can honorably love another man, I love you, Bob Twigg."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Mr. President and members of the Senate, and Senator Twigg; Perry, for a moment there you had me a little worried. I thought you were going to spring a surprise on us and not let us wait until Expo is all over and find out you guys own all that land underneath that Expo site. I hope that Senator Twigg will allow a freshman Senator to say a few kind words in his behalf. I have been involved in politics extensively for over eighteen years but have only been a Senator for some fifteen or sixteen months, but it has been a real pleasure getting to know Bob and working with him. We served together on the Judiciary Committee and I think that this is one of the committees that — all committees require a lot of ability and are very important, but this committee, I think, often requires knowledge in very many subjects to serve ably. It requires very many different types of abilities and I think one has to be judicious to be on the Judiciary Committee. One has to have the interest of all the citizens of the state in mind at all times, and I think that whatever it takes to be a good member of this Senate, to serve on a committee like that and the various committees that Senator Twigg has served on, it more than demonstrated that he has those abilities. I know whenever I have asked him about anything I have had the same experience that everybody else in this Senate has had. When Bob Twigg tells you something his word is good, and I think that is the finest thing you can say about a Senator."

REMARKS BY SENATOR WALGREN

Senator Walgren: "Mr. President and members of the Senate, what can you really say when a good friend is leaving, because Bob Twigg, of course, has been a good friend, not only to me and to my wife and to all of us, as his wife has been a friend to us too. We know the pressures that come upon us as members of this Senate and of this legislature. We have all had them, and as has already been pointed out by Senator Atwood, it is unfortunate that the good people of the legislature have to leave. Bob certainly is one of those good people. He has all of those attributes that Perry Woodall mentioned and that all of us have talked about and all of us hope that we would have. Bob has integrity. Most of all, and I think the most important attribute that any Senator can have on this floor is loyalty and honesty, and he has those. It is going to be a different place around here in the Senate when Bob Twigg goes because he has been an inspiration, I think, to all of us. He has represented his district in the highest traditions. He has represented his state in the highest traditions. I have personally looked to him for advice on many of the matters that have come before us in this legislature. He has served with me on various committees. I think probably the closest service that we had was with the old interim Municipal Committee where we worked on so many problems of city government, particularly, and where he did such an outstanding job. So it is going to be, I think, a real problem and a difficulty for us to proceed without Bob Twigg sitting beside us and giving us his advice. I know that he will come down in the wings from time to time and tell us about how things are going on and what he thinks ought to be done and we certainly are going to welcome that.

"Back in the days before Van Hollebeke and von Reichbauer, it used to be Twigg and Walgren in the order, and I could always tell how to vote, even though I did not know what the issue was, because if Bob Twigg voted yes, I always voted no. So we had a little difference philosophically, but I certainly hope that that is the only place where our differences occurred and I know that, once again, we will all miss him here in the Senate."

REMARKS BY THE PRESIDENT

The President: "Honored members of the Senate, with your indulgence the President should like to remark that I am sure everyone will be in agreement that there is no more popular, poised or pleasant person in the world than Bob Twigg, and if you will just take a moment I would like to ask Senator Woodall and Senator Walgren to escort the very beautiful and loving wife of our distinguished Robert W. Twigg and the Senator right down the center aisle."

REMARKS BY SENATOR GREIVE

Senator Greive: "Lady and gentlemen of the Senate, I am going to make it very short. In this world of combatants, and that is really what we are down here, fighting for matters of philosophy, for matters of ideals, sometimes for a matter of rank politics, but nevertheless we are constantly moving one way or another, attempting to see that our ideas and the ideas we support prevail; I can say for Bob Twigg, and I am sure that everyone in this body will agree with me, that he is one of the few people I have known in the years I have been here who has never struck a low blow, taken a cheap shot. I have never seen him once express rancor. At all times he has been fair."

REMARKS BY SENATOR TED PETERSON

Senator Peterson (Ted): "Mr. President and members of the Senate and to Bob and Meg, you know I am just sitting here swelling with pride. I happen to be the Senator in the district and in that part of town, Ballard, where Bob Twigg was born and I know his father well. He is in the middle of the district, lives on the corner of Twenty-fourth and Eighty-fifth in a beautiful little home there. He is in the real estate business. Now back of that, and after a comment that was made by Senator Woodall on the real estate, you might know why he is interested in real estate and why he is evolving and building a fortune in real estate. His father, Mr. Twigg, his grandfather Twigg, lived on the corner of Sixty-second and Twenty-fourth Northwest, right in the heart of Ballard. If Ballard had a mayor he would have been the mayor of Ballard. He was a lifetime Elk, and in the real estate business. And real estate that he had, even the property where the old home is now, is one of the valued pieces of property in Ballard. Then going out north, you know he graduated from Ballard High School. This resolution should have contained everything. And he had a paper route that went down Twenty-fourth and down in what we call the sticks, the salmonberry bushes and all that. He asked me if I knew where that was. Well, that is Blue Ridge Drive where I live now, and he peddled papers there and he can remember the old brickyards on the other side and Carkeek and all that.

"So again I say I just sit here swelling with pride because here is a native of Ballard, which is in Seattle of course, and he fondly calls it Snooseville and sometimes he refers to me as Snoose. Now you know what that means out in Ballard so it is a pleasure to be here, Bob and Meg, and to wish you the best. I hate to see you go because when a boy from Ballard makes good it is news and, Senators, I am just proud as punch to be here with you and hate to see you go."

REMARKS BY SENATOR JOLLY

Senator Jolly: "Mr. President and members of the Senate, there is one of Senator Twigg's abilities that has not been mentioned here today, and Farmer Twigg, we are going to miss you on the Agriculture Committee. I have enjoyed working with you and I wish you all the luck in the world."

REMARKS BY SENATOR DAY

Senator Day: "Bob and Meg, I do not belong to your investment club but Bob has taken me into another one of his clubs and that is his fishing club. We have been fishing a couple of times together and the first time we went he just really pulled me in there. I said,

'Have you ever done this?' Oh, no, he had never done this before. He ended up not only catching all the fish, he even traded poles with me and continued to catch all the fish. But, Bob, you have been a rare friend and in addition you have been an excellent committee member on my committee. Your abilities are broad and you have done a good job as a state Senator. You have suffered all of the inequities in circumstances that the rest of us have had to plow through, and done it with a smile. I just want to say that Perry Woodall has lost a friend on the Senate and so have I, but I think that the big loser, when a man of your caliber leaves the Senate, is the people of this state."

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President and members of the Senate, may I say 'Twiggy' like I always have? Twiggy, I think your finest hour was a few moments ago in the words of Senator Bob Greive. I do not think any higher tribute could be paid a man than those words of Senator Greive's. We have not thought of you as a Republican or a Democrat. We have thought of you as a fellow Senator. And I have never seen you with a bad look on your face. You are always smiling. And Meg and Twiggy, I have a memory of a night in San Diego. You are a gentleman when you are on the floor and you folks are kind and wonderful when you are out socially. And I remember a night in San Diego at the convention headquarters where we went to a place where they celebrate New Year's Eve every night of the year. And I got to celebrate New Year's Eve in July with Twiggy and his fine wife and it was a wonderful evening and one that I have never forgotten. I do not want to take away anything that has been said to you today, but Bob and Mrs. Twigg, this is your finest hour."

REMARKS BY SENATOR CANFIELD

Senator Canfield: "In a way I knew Bob before he was born. I went to school with his father. We were buddies over at Washington State, and his father is named Glen, and we met again in 1971 over at Washington State when we had our golden celebration, what they call golden grads over at Washington State and Glen was there. The first time I had seen him in fifty years, and it was nice to see him in apparent good health. So we talked over old times and then we talked about his son, Bob. He was pretty proud of his boy. I think it is pretty fine when you have a fine father and a fine son and I just wanted to say that I join in that. I think Bob is a real fine man."

REMARKS BY SENATOR R. H. "BOB" LEWIS

Senator Lewis (R. H. "Bob"): "Ladies and gentlemen, I think it is obvious that today we pay honor to that suave, smooth, smiling, sophisticate of the Senate, Bob Twigg. I think that he has survived such things as being valedictorian of his class and he has done it well. He wears his intelligence well. He has excellent taste. He not only won the hand, but body, soul and heart of a beautiful doll from Coeur d'Alene, Idaho and a very wise young lady also, because even though she plays golf quite capably and has a fairly low handicap, she is smart enough to keep it just a few strokes above that of her husband's, and I think a marriage like that has got to be a pretty good one."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate, I would like to rise and support all these nice things that have been said about Senator Twigg and to Meg. I have enjoyed my relationship with both of them. It has been a relationship that I sometimes wonder how it got started. I too, like Senator Walgren, if I needed to know how to vote and Senator Twigg voted one way, I knew I had to vote the other. But the other side of the coin is that I know that Senator Twigg's philosophy and the district that he represents is totally to the opposite of mine, but for some reason or another there is something about this gentleman that you cannot help but like. First of all, he is a very classy guy, very classy guy, and there are not too many first class people that you get to know very well in this world

today. But the other side of it is that the only thing I hated, Bob, is that it took me three years to get a 'yes' vote out of you. So although I will miss you, I will not miss your vote."

REMARKS BY THE PRESIDENT

The President: "Members of the Senate, ladies and gentlemen, I will have to quote from Balzac on this one. 'Everybody all over the world takes a wife's estimate into account in forming an opinion of a man.' How about it, Meg? Do you want to get at this guy? Would you like to say a few words?"

"Honored members of the Senate, ladies and gentlemen, it is indeed gratifying to hear such kind and friendly references to our very good friend Bob Twigg and to Meg. I would like to say that anyone who loves life as deeply as Bob Twigg never will grow old. Now the grim reaper may catch up with him in time but this guy will never die of old age. He will die young. Now that is not a very pleasant thought but I -- it did not come out exactly the way I meant it to come out but I am sure it will be accepted in the same good spirit in which it was spoken. Bob, it has been a delightful pleasure to meet you and you are a bright spot in everybody's life who ever had the chance to meet you. Won't you say a few words to us?"

REMARKS BY SENATOR TWIGG

Senator Twigg: "Meg and good friend Governor John, Perry and 'Gordo' and all of you, needless to say, this is the most thrilling moment of my life. I want you all to know how very deeply appreciative I am of this very thoughtful recognition. In keeping with the very pointed admonition of our friend Don Talley yesterday, I would simply like to say that I flat out love every damn one of you."

The President of the Senate presented a bouquet of roses to Mrs. Twigg.

The special committee escorted Senator Twigg to his seat in the Senate Chamber and Mrs. Twigg from the Senate Chamber.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1974-261

By Senators von Reichbauer, Ridder and Woody:

WHEREAS, The 1970 census identified over 320,000 Washington State citizens as being over the age of sixty-five; and

WHEREAS, These citizens comprise almost ten percent of the total population of the state; and

WHEREAS, Our senior citizens have contributed in great amounts to our society their time, talents, labor and devotion; and

WHEREAS, These senior citizens do constitute a pool of wisdom, knowledge, experience and energy available to us all and thus are Washington's most valuable natural resource; and

WHEREAS, During these inflationary times the financial burden placed upon our senior citizens, most of whom must live on social security, private pensions or other fixed incomes, is of considerably greater weight than that borne by other citizens;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Senate Committee on State Government is hereby directed and authorized to undertake a study of the feasibility and fiscal impact to the State of extending exemptions to senior citizens for the purchase of public services, licenses and fees.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1974-264

By Senators von Reichbauer and Ridder:

WHEREAS, The special education committee in its report of December 21, 1973, has made recommendations regarding learning disabilities in children; and

WHEREAS, There is concern among educators that these recommendations were made without first establishing an adequate and fully comprehensive definition of learning disabilities; and

WHEREAS, These educators are also concerned that current funding proposals for learning disability treatment programs result in a decrease in the support level for all other school children; and

WHEREAS, The program recommendations of the special education commission have been characterized by the Washington Organization for Reading Development Coordinating Council as unnecessarily restrictive and possibly detrimental to the students involved;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the Senate Education Committee be authorized and directed to make a thorough examination of the recommendations of the special education commission in regard to learning disabilities.

MOTION

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION 1974-265

By Senator Bailey:

WHEREAS, The Congress of the United States passed the Economic Opportunity Act in 1964; and

WHEREAS, The Economic Opportunity Act of 1964 provided for the establishment of Community Action Agencies; and

WHEREAS, The Community Action Agencies have served as vehicles from a mobilization against poverty; and

WHEREAS, These funds are being used to carry out a wide range of programs in public and private institutions which have the effect of reducing poverty and meeting the needs of thousands of families; and

WHEREAS, No funds for the Office of Economic Opportunity and the Community Action Programs are requested by the President in his fiscal 1975 budget; and

WHEREAS, Continuation of Community Action Programs is greatly needed in the state of Washington; and

WHEREAS, The state and local governments of Washington do not possess the revenues necessary to continue these programs; and

WHEREAS, The Federal government should commit itself fully to the elimination of poverty;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the President of the United States and the Congress continue to provide funds to support the Community Action Program;

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Washington State Congressional delegation.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bailey yield to a question? Senator Bailey, I see this is a resolution asking that the OEO be continued. It is my understanding that they were phasing the OEO out as an agency. Is it your intent that the Office of Economic Opportunity be continued? I would like to ask you that question if you will answer."

Senator Bailey: "No. The intent was that they provide for some of these community

action councils that had very good programs going but the word OEO was removed from the resolution and the word OEO refers to where the program had been in the past. There are some very good programs operating under these – I think the idea is that these programs would be put out to other agencies. I think this is the administration's idea, but in doing so they did not provide for putting them out. It does not say to continue the OEO in there at all."

Senator Rasmussen: "In effect, that is what the whole aim of the resolution is and I would object very much if they would continue that – I have no objection to some of the programs which have proven successful, but in the main most of the programs by the Office of Economic Opportunity have been a waste of public funds and in many instances did complete harm to many worthwhile programs that the communities were engaged in themselves. Now I have no objection to the money, but I sure have a lot of objection to the continuation of the Office of Economic Opportunity. If you can make that clear that that is not your intention."

Senator Bailey: "It was not my intention to continue OEO. It was my intention to get money for those programs that were good and constructive, and of course that is the lack of administration and I do not know how you conquer that."

Senator Rasmussen: "Thank you."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I rise to support Senator Bailey on his motion. Regardless of whether some people think that moneys were wasted in some areas, the fact of the matter is that there were very good programs that were developed and that are still being maintained but are running short of funds that were started under OEO, and whether you call the program an OEO program or whatever you want to call it, there are some community action programs that are well worthwhile and I think that this resolution is most apropos, that many of the programs we will not be able to continue because of lack of funds and I would hope that Congress would be able to supply those needed federal funds to make sure that some of these programs could continue."

MOTION

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

MOTION

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

SENATE RESOLUTION 1974-267

By Senators Fleming and Whetzel:

WHEREAS, Last month the Bulldogs of Garfield High School completed an undefeated season, capturing both the Seattle Metro League and State AAA Basketball Championships; and

WHEREAS, The Bulldogs, with a record of twenty-four wins and no losses, became the first basketball team since 1969 to win the State AAA Championship with an undefeated record; and

WHEREAS, The Bulldogs set a Metro League scoring record during the past season; and

WHEREAS, The Bulldogs were ranked as the number one AAA High School basketball team in the state; and

WHEREAS, Fernando Amorteguy, coach of the Garfield Bulldogs, instilled in his players not only the basic fundamentals of the game but also a sense of individual dignity which inspired each player to do his best for the sake of the team; and

WHEREAS, The Bulldogs' superior play on the floor and impeccable conduct and sportsmanship both during the heat of battle and in their daily affairs brought a renewed

sense of community pride to the central area of Seattle and set an example for the entire city of Seattle and the state at large; and

WHEREAS, This renewed community pride in the central area of Seattle illustrates what a team, a school, and a community can accomplish if given the opportunity;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate that we do congratulate the Garfield High School Bulldogs, their coach, Fernando Amorteguy; their principal, Roscoe Bass; their entire student body and staff; that we do hereby recognize this team represents the best in high school basketball competition with its excellent team record and sportsmanship; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare and send copies of this resolution to every member of the team, their coach, Fernando Amorteguy, and to the principal of Garfield High School, Roscoe Bass.

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

MESSAGES FROM THE HOUSE

April 22, 1974.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1208, and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

April 22, 1974.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1238, and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

April 22, 1974.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 1208,

HOUSE BILL NO. 1238, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2156, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1974.

Mr. President: The Speaker has signed:

SENATE BILL NO. 3143,

SENATE BILL NO. 3202,

SUBSTITUTE SENATE BILL NO. 3256,

SENATE BILL NO. 3358, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1974.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1043, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1301, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 22, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1974.

Mr. President: The House has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 430,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 647,
SUBSTITUTE HOUSE BILL NO. 1288, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 22, 1974.

Mr. President: The Speaker has signed HOUSE BILL NO. 188, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2156.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 188,
HOUSE BILL NO. 1208,
HOUSE BILL NO. 1238.

MESSAGE FROM THE HOUSE

April 22, 1974.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3145, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

April 22, 1974.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 3044, with the following amendments:

On page 1, line 1 of the title after "elections;" insert "adding a new section to chapter 9, Laws of 1965, and to chapter 29.04 RCW;"

Strike everything after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.04 RCW a new section to read as follows:

Notwithstanding the provisions of chapter 9, Laws of 1965 and Title 29 RCW, or any other provision of law, no ballot, voting machine, ballot card, voting device or vote tally system shall be utilized at the general election for 1977 or for any primary or general election thereafter, which shall not make available in duplicate a record of the number of votes cast for and against each proposition in such voting place, the total votes cast for each candidate in such voting place, and the total number of all ballots cast at such voting place. Precinct election officials shall be responsible to see to the posting of the results in a manner which permits public viewing after the closure of the polling place, in the vicinity of the polling place, prior to said removal of any such ballots, voting machine printed election

returns or ballot cards from the polling place, and one of such election officials shall maintain one copy of the above results in his possession for a period of at least thirty days following the election; and upon failure of the above responsibilities by any election official, said official, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Sec. 2. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, *county, city, town, or district* of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms as provided for in Article II, section 15, Article III, section 10, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county, city, town, or district officers: PROVIDED HOWEVER, That the [board of county commissioners] *county legislative authority* may, if they deem an emergency to exist, call a special county election [at any time] by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date: *PROVIDED FURTHER, That notwithstanding any other provision of law nothing shall prohibit the name of a candidate for the office of president or vice president of the United States from appearing more than once upon a ballot. A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:*

- (1) *The first Tuesday after the first Monday in February;*
- (2) *The last Tuesday in March;*
- (3) *The third Tuesday in September in even numbered years, or the second Tuesday in September in odd numbered years;*
- (4) *The first Tuesday after the first Monday in November; or*
- (5) *In addition to all the above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake or other act of God.*

Such county special election shall be noticed and conducted in the manner provided by law. *This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.*

Sec. 3. Section 29.13.020, chapter 9, Laws of 1965 as amended by section 3, chapter 123, Laws of 1965 and RCW 29.13.020 are each amended to read as follows:

All city, town, and district general elections, except as hereinafter provided, shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years: PROVIDED, That there shall be no general city or town elections held under the provisions of the 1963 elections act as amended until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general election to be held on the first Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing

law shall be conducted as though the provisions of the 1963 elections act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and qualified under the provisions of the 1963 elections act.

There shall be no regular district elections held in the years 1964, 1966, 1968, and 1970, and the positions that would have been voted upon, except for the provisions of the 1963 elections act as amended, in the years 1964, 1966, 1968, and 1970 shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, 1969, and 1971, respectively and each two years thereafter.

There shall be no regular school district elections held on the second Tuesday in March in the years 1965, 1967, and 1969 and the positions that would have been voted upon, except for the provisions of the 1963 elections act as amended, shall be voted upon at the general elections to be held on the first Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and district elections to a common election date, throughout the state of Washington being the first Tuesday following the first Monday in November of the odd-numbered years.

All incumbent city, town, or district officers whose terms would have expired, except for the provisions of the 1963 elections act as amended, shall remain in office until their successors are elected and qualified.

This section shall not apply to:

- (1) Elections for the recall of city, town, or district officers,
- (2) Public utility districts, or district elections whereat the ownership of property within said districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election [at any time] in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. *A special election called by such governing body shall be held on one of the following dates as decided by the governing body:*

- (a) *The first Tuesday after the first Monday in February;*
- (b) *The last Tuesday in March;*
- (c) *The third Tuesday in September in even numbered years, or the second Tuesday in September in odd numbered years;*
- (d) *The first Tuesday after the first Monday in November; or*
- (e) *In addition to all the above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake or other act of God.*

Such special election shall be conducted and notice thereof given in the manner provided by law. *This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.*

Sec. 4. Section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070 are each amended to read as follows:

Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the third Tuesday of the preceding September in each even-numbered year and on the second Tuesday of the preceding September in each odd-numbered year.

Sec. 5. Section 29.21.010, chapter 9, Laws of 1965 as amended by section 7, chapter 123, Laws of 1965 and RCW 29.21.010 are each amended to read as follows:

All [primaries for all] cities [of the first, second and third class,] and towns shall hold primary elections irrespective of type or form of government and which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All districts, except those districts which require ownership of property within said districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the [municipal] city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the [municipal] city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any candidate shall appear on the city, town or district general election ballot unless said candidate shall receive at least [ten] five percent of the total votes cast for that office. The sequence of names of candidates printed on the [municipal] city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the [municipal] city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

Sec. 6. Section 29.21.015, chapter 9, Laws of 1965 and RCW 29.21.015 are each amended to read as follows:

No primary election shall be held for any single position in any city, town, or district as required by RCW 29.21.010 as now or hereafter amended if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for [each] the position to be filled: PROVIDED, That whenever it shall be necessary to hold a primary election for any one such position because of the number of candidates remaining filed, no primary election shall be held for any other position for which no more than two candidates have remained as filed. [In such event] Insofar as such positions not being subjected to a primary election are concerned, the [city clerk] county auditor shall [immediately notify all candidates concerned and if the county auditor has jurisdiction of such primary election, he shall also be notified] as soon as possible notify all the candidates so affected. Names of candidates that would have been printed upon the [city] primary ballot, but for the provisions of this section, shall be printed upon the [city] general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Sec. 7. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 56, chapter 283, Laws of 1969 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the clerk thereof not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular city and town elections are held.

All candidates for district offices [in port districts, which are located in class AA and class A counties, and first class school districts,] subject to the provisions of RCW 29.21.010 as now or hereafter amended shall file their declarations of candidacy with the county auditor of the county not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular district elections are held.

[All candidates for district offices not subject to a primary election, other than irrigation districts, shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the date of the election with the appropriate county auditor: PROVIDED, That] In the case of public utility districts, and in no other, [nominations shall

be made by means of] nominating petitions *containing the necessary number of signatures as provided by RCW 54.12.010 shall accompany each such declaration of candidacy at the time of so filing*: PROVIDED [FURTHER], That this chapter shall not change the method of nomination for first district officers at the formation of [the] any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

The city and town clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 [, 29.18.039, and 29.18.060] through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary. *

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, *the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy*.

Sec. 8. Section 29.21.140, chapter 9, Laws of 1965 and RCW 29.21.140 are each amended to read as follows:

If at the same election there are [long terms and] short terms or full terms and unexpired terms of office to be filled, *the city or town clerk*, the secretary of state or the county auditor, as the case may be, shall distinguish them and designate the short term, [the long term,] the full term and the unexpired term [separately as such,] or by use of the words "*unexpired two year term*" or "*four year term*" as the case may be.

In filing his declaration of candidacy in such cases the candidate shall specify that his candidacy is for the short term, [the long term] the full term or the unexpired term as the case may be: *PROVIDED, That when both a short term and a full term for the same position is scheduled to be voted upon, a single declaration of candidacy accompanied by a single filing fee shall be construed as a filing for both the short term and the full term and the name of such candidate shall appear upon the ballot for the position sought with the designation "short term and long term". The candidate elected to both such terms shall be sworn into and assume office for the short term as soon as the election returns have been certified and shall again be sworn into office on the second Monday in January following the election to assume office for the full term.*

Sec. 9. Section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: *PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, [for justices of the peace,] and for state superintendent of public instruction, [and for directors of first class school districts,] if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter [: PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals].*

Sec. 10. Section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160 are each amended to read as follows:

If there are two or more places to be filled for nonpartisan office, the number of candidates equalling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office [: *PROVIDED, That the names of any candidates therefor who receive a majority of all of the votes cast at the primary for that*

office, shall be printed separately as candidates for that office under the designation "Vote for" followed by blank spaces equalling the number of such majority candidates for the writing in of any other name by a voter].

Sec. 11. Section 29.21.230, chapter 9, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230 are each amended to read as follows:

Except for school districts of the first class having an enrollment of fifty thousand pupils or more in class AA counties, the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a school district position of school director for school districts embracing a city of over one hundred thousand population shall appear on the general election ballot under the designations therefor [: PROVIDED, That if any candidate for a position receives a majority vote, his name alone shall be placed on the general election ballot for that position].

Sec. 12. Section 35.20.150, chapter 7, Laws of 1965 and RCW 35.20.150 are each amended to read as follows:

The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by number so assigned the position for which he is a candidate, and the name of such candidate shall appear on the ballot only for such position. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor [: PROVIDED, That if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter]. Elections for municipal judge shall be nonpartisan. They shall hold office for a term of four years and until their successors are elected and qualified. The term of office shall start on the second Monday in January following such election. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

Sec. 13. Section 14, chapter 299, Laws of 1961 and RCW 3.34.050 are each amended to read as follows:

At the general election in November, 1962 and quadrennially thereafter, there shall be elected by the voters of each justice court district the number of justices of the peace authorized for such district by the justice court districting plan. Justices of the peace shall be elected for each district by the qualified electors of the justice court district in the same manner as judges of courts of record are elected. Not less than ten days before the time for filing declarations of candidacy for the election of justices of the peace for justice court districts entitled to more than one justice of the peace, the county auditor shall designate each such office of justice of the peace to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. Each candidate at the time of the filing of his declaration of candidacy shall designate by number which one, and only one, of the numbered offices for which he is a candidate and the name of such candidate shall appear on the ballot for only the numbered office for which the candidate filed his declaration of candidacy.

[In all elections for justices of the peace, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.]

Sec. 14. Section 2, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.360 are each amended to read as follows:

Filings for a nonpartisan office shall be opened for a period of three normal business

days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the fourth Tuesday prior to a primary:

(1) A void in candidacy occurs;

(2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or

(3) A nominee for judge [of the court of appeals or] of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 15. Section 3, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.370 are each amended to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the fourth Tuesday prior to a primary but prior to the fourth Tuesday before an election; or

(2) A nominee for judge [of the court of appeals or] of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period when a petition for write-in candidacy may be received;

(3) *A vacancy occurs in any nonpartisan office on or after the fourth Tuesday prior to a primary but prior to the fourth Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.*

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

Sec. 16. Section 4, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.380 are each amended to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when:

(1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the fourth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in RCW 29.21.370 *as now or hereafter amended*, a nominee for judge [of the court of appeals or] of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the fourth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs *or a vacancy occurs involving an unexpired term to be filled* on or after the fourth Tuesday prior to an election.

NEW SECTION. Sec. 17. There is added to chapter 29.21 RCW a new section to read as follows:

If, after the last day provided by law for the withdrawal of declarations of candidacy has expired, only one candidate has filed for any single city, town, or district position to be filled, no election shall be held as to such position and a certificate of election shall be issued to such candidate at such time such certificates are normally issued.

If after both the normal filing period and special three day filing period as provided by RCW 29.21.360 and 29.21.370 as now or hereafter amended have passed and still no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall

remain in office and continue to serve until his successor is elected at the next election when such positions are voted upon as provided by RCW 29.21.410 as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 29.01 RCW a new section to read as follows:

“Short term” means the brief period of time starting upon the completion of the certification of election returns and ending with the start of the full term on the second Tuesday of the next January immediately following the election and is applicable only when the office concerned is being held by an appointee to fill a vacancy which occurred after the last previous election at which such office could have been voted upon for an unexpired term.

NEW SECTION. Sec. 19. Section 29.21.170, chapter 9, Laws of 1965 and RCW 29.21.170 are each hereby repealed.

NEW SECTION. Sec. 20. There is added to chapter 9, Laws of 1965 and to chapter 29.18 RCW a new section to read as follows:

The name of no candidate shall be printed upon the official ballot used at a state primary unless, not earlier than the last Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in the form hereinafter set forth:

DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington)
)ss.
County of)

DECLARATION

I,, declare upon honor that I am a registered voter residing at No. street, (city or town of) (county of), state of Washington, and am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of or position No. for the office of (fill in whichever blank is applicable) to be made at the primary election to be held on the day of, and hereby request that my name be printed upon the official primary ballots, as provided by law, as a candidate of the (do not fill this in if office sought is nonpartisan) party, and:

- I accompany herewith the sum of dollars, the fee required by law of me for becoming a candidate; or
- I am without sufficient assets or income to pay the fee required by law.

AFFIDAVIT

FURTHER, I, the undersigned candidate for election to public office in the United States of America and the State of Washington, hereby endorse, subscribe to, and solemnly pledge myself to conduct my campaigns in accordance with the following provisions, principles and practices and do solemnly swear or affirm that I am familiar with the provisions of the election reform act of 1974 and shall abide by the same.

I shall conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

I shall defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I shall condemn the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life.

I shall condemn the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate, as well as the use of malicious or unfounded accusations against any candidate which aim at creating or exploiting doubts, without justification, as to his loyalty and patriotism.

I shall condemn any appeal to prejudice based on race or national origin.

I shall condemn any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

(Please print name to assure correct spelling)

(Signature of candidate as name is to appear upon ballot)

Subscribed and sworn to before me this day of , 19. . . .

(Signature of Official)

(Official Title)

Sec. 21. Section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050 are each amended to read as follows:

Except as otherwise provided in section 19 of this amendatory act, a fee of one dollar must accompany each declaration of candidacy for a precinct office without salary; a fee of ten dollars *must accompany each declaration of candidacy* for any office with a compensation attached of one thousand dollars per annum or less; a fee equal to one percent of the *current* annual compensation *must accompany each declaration of candidacy* for any office with a compensation attached of more than one thousand dollars per annum.

When the candidacy is for:

(1) A state or congressional office the fee shall be paid to the secretary of state for deposit in the state treasury.

(2) A district office embracing more than one county the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(3) A county office or office for a district comprising part of one county the fee shall be paid to the county auditor for deposit in the county treasury.

(4) A city or town office the fee shall be paid to the clerk thereof for the city or town treasury.

Sec. 22. Section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070 are each amended to read as follows:

If the nominating certificate is valid, each candidate nominated by a minor party convention may file with the secretary of state a declaration of candidacy as nearly as possible in the form prescribed for candidates subject to primary election, and, *except as otherwise in section 19 of this amendatory act provided*, each candidate must at the time of filing such declaration pay to the secretary of state the fee prescribed by law for candidates subject to primary election.

Except as otherwise provided in section 19 of this amendatory act, the name of a candidate nominated at a minor party convention shall be printed upon the election ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary election.

Sec. 23. Section 29.51.170, chapter 9, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.51.170 are each amended to read as follows:

At any election or primary, any voter may write in on the ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter: PROVIDED, That no write-in vote for a partisan office at a general election shall be valid for any person who has offered himself as a candidate for such position for the nomination at the preceding primary: PROVIDED, FURTHER, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name:

PROVIDED FURTHER, That in the instance of a write-in candidate for a partisan

office only those write-in votes constituting the greatest number of a single political party designation shall be valid for counting purposes when the canvassing authority certifies the official election returns. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and *except as otherwise in section 19 of this act provided*, pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated.

NEW SECTION. Sec. 24. There is added to chapter 9, Laws of 1965 ex. sess. and to chapter 29.18 RCW a new section to read as follows:

Any candidate may in writing withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy. Should the candidate desire to mail his declaration of withdrawal it shall be honored if the instrument is postmarked no later than the last day allowed for withdrawals. There shall be no refund of the filing fee.

NEW SECTION. Sec. 25. The following acts or parts thereof are hereby repealed:

(1) Section 16, chapter 254, Laws of 1951 and RCW 9.81.100;

(2) Section 29.24.110, chapter 9, Laws of 1951 and RCW 29.24.110; and

(3) Section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030.

NEW SECTION. Sec. 26. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. Sections 19 through 26 are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On line 3 of the title after "29.13.010;" and before "amending" strike "and".

On line 5 of the title after "RCW 29.13.020" and before the period insert "amending section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070; amending section 29.21.010, chapter 9, Laws of 1965 as amended by section 7, chapter 123, Laws of 1965 and RCW 29.21.010; amending section 29.21.015, chapter 9, Laws of 1965 and RCW 29.21.015; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 56, chapter 283, Laws of 1969 ex. sess. and RCW 29.21.060; amending section 29.21.140, chapter 9, Laws of 1965 and RCW 29.21.140; amending section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150; amending section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160; amending section 29.21.230, chapter 9, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230; amending section 35.20.150, chapter 7, Laws of 1965 and RCW 35.20.150; amending section 14, chapter 299, Laws of 1961 and RCW 3.34.050; amending section 2, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.360; amending section 3, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.370; amending section 4, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.380; adding a new section to chapter 29.21 RCW; adding a new section to chapter 29.01 RCW; repealing section 29.21.170, chapter 9, Laws of 1965 and RCW 29.21.170; repealing section 29.24.110, chapter 9, Laws of 1951 and RCW 29.24.110; adding new sections to chapter 29.07 RCW; adding new sections to chapter 9, Laws of 1965 ex. sess. and to chapter 29.18 RCW; repealing section 16, chapter 254, Laws of 1951 and RCW 9.81.100; repealing section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050; amending section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070; amending section 29.51.170, chapter 9, Laws of 1965 as last amended by

section 1, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.51.170; providing civil and criminal penalties; making certain effective dates; and declaring an emergency.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Grant, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 3044, and asks the House to recede therefrom.

MOTION

On motion of Senator Atwood, Senator Newschwander was excused.

Senators Mardesich, Rasmussen and Talley demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Newschwander who was previously excused.

MOTION

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

MOTION

At 11:30 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 12:30 p.m.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

Senators Mardesich, Day and Talley demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Newschwander who had previously been excused.

MOTIONS

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 3253.

MESSAGE FROM THE HOUSE

April 21, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3253, with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. That the following appropriations are hereby adopted and subject to the provisions set forth in the following sections or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed by the designated agencies and offices of the state and for other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1973 and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE SUPERIOR COURT JUDGES

General Fund Appropriation: PROVIDED, That this amount shall be used for the implementation of chapter . . . , Laws of 1974 1st ex. sess.

(SB 3181) \$35,333

NEW SECTION. Sec. 3. FOR THE STATE AUDITOR

General Fund Appropriation

For Operations \$60,152

Payment of supplies and services furnished in

previous biennia \$50,000

Sundry Claims \$14,205

NEW SECTION. Sec. 4. FOR THE SECRETARY OF STATE

General Fund Appropriation for the purpose of carrying out the provisions of chapter 127, Laws of 1974 1st

ex. sess. \$93,311

NEW SECTION. Sec. 5. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation: PROVIDED, That these funds be used for additional personnel to carry out

additional investigations \$50,000

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation: PROVIDED, That this appropriation shall be used to complete the migrant housing pilot project authorized pursuant to the provisions of chapter 125, Laws of 1974

1st ex. sess. \$13,000

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

State Trade Fair Fund Appropriation: PROVIDED, That this appropriation shall be used to support The Washington State Aviation Trade Fair provisions of RCW 43.31

notwithstanding \$23,106

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation: PROVIDED, That pursuant to section 67, chapter 142, Laws of 1974 1st ex. sess., any federal funds received for fuel allocation shall replace an equal amount of

state funds \$462,476

NEW SECTION. Sec. 9. FOR THE MILITARY DEPARTMENT

General Fund Appropriation: PROVIDED, That these funds be used only for maintenance and operations of state national

guard facilities \$234,684

NEW SECTION. Sec. 10. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund \$99,877

NEW SECTION. Sec. 11. FOR THE TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation \$79,683

PROVIDED, That this amount shall be used for the implementation of chapter . . . , Laws of 1974, 3rd ex. sess.

(3d SHB 1274) \$2,200,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation \$17,750

NEW SECTION. Sec. 13. FOR THE EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation: PROVIDED, That \$125,000 or so much thereof as may be necessary, shall be used under the direction of chairman of the board for the purpose of paying the per diem and expenses of the Commission, the salaries and fringe benefits of the employees of the Commission, and any other expenses necessary to carry out the provisions of the proposed act: PROVIDED, That up to \$30,000 of this appropriation shall be used for costs incurred by the advisory committee pursuant to the proposed act: PROVIDED FURTHER, That this appropriation is contingent on the passage of chapter . . . , Laws of 1974 1st ex. sess.
 (ESHB 1341) \$155,000

NEW SECTION. Sec. 14. FOR THE OCEANOGRAPHIC COMMISSION OF WASHINGTON

General Fund Appropriation: PROVIDED, That these funds shall be used for a feasibility study of offshore monobuoy and related petroleum transfer facilities: PROVIDED, That the Commission shall commit up to \$25,000 from its FY 75 General Fund Appropriations for such study: PROVIDED FURTHER, That if federal funds are received for such study, said funds shall replace an equal amount of state funds \$402,150

NEW SECTION. Sec. 15. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL

General Fund Appropriation \$17,293

NEW SECTION. Sec. 16. FOR THE STATE DATA PROCESSING AUTHORITY

General Fund Appropriation: PROVIDED, That these funds shall be used by Central Washington State College to convert from operation of its own computer facility to a remote terminal environment, sharing resources of a state computer service center \$125,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation: PROVIDED, That pursuant to section 67, chapter 142, Laws of 1974 1st ex. sess., the department is directed to seek federal assistance funds for the Indian Fishing rights program and for the United States-Canadian Fishing Rights Negotiations, and any such funds received shall replace an equal amount of state funds \$687,531

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation for implementation of the 1974 Forest Practices Act, chapter 137, Laws of 1974
 1st ex. sess. \$398,300

General Fund – Resource Management Cost

Account Appropriation \$1,116,895

State Timber Reserve Fund Appropriation for the purpose of carrying out the provisions of chapter . . . , Laws of 1974 1st ex. sess.
 (SHB 1185) \$450,236

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation: PROVIDED, That of this amount \$95,000 shall be used for brand inspection and cattle rustling investigation activities and such amounts shall be reimbursed to the General Fund from the Brand Inspection Fund at such time as the Brand Inspection Fund accumulates a sufficient balance: PROVIDED, That the department contract with the Department of Game in an amount not to exceed \$50,000 for a study of predator control utilizing various chemicals approved by the Federal Environmental Protection Agency: PROVIDED FURTHER, That \$55,955 of this appropriation shall be to implement the Poison Control Act, chapter 49, Laws of 1974,
 1st ex. sess. \$228,559

General Fund Appropriation for expanding the Tansy Ragwort pilot eradication program as

authorized in chapter 142, Laws of 1974 1st ex. sess. to include Grays Harbor, Island, Mason, Pacific, Skamania and Wahkiakum counties: PROVIDED, That this appropriation together with the \$75,000 previously appropriated shall be directed toward controlling and preventing the spread of the noxious Tansy Ragwort Weed: PROVIDED FURTHER, That each county and participating individual agricultural landowner share equally the remaining two-thirds cost of material used in the direct control

of said weed \$32,341

NEW SECTION. Sec. 20. FOR THE WASHINGTON FUTURE PROGRAM
Appropriated to: DEPARTMENT OF ECOLOGY

General Fund – State and Local Improvement Revolving Account – Waste Disposal Facilities: Appropriated pursuant to the provisions of chapter 127, Laws of 1972 ex. sess., (Referendum 26), for up to fifteen percent of the overall cost of any project except that (1) the state portion of solid waste management, lake rehabilitation, or irrigation return flows may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities \$29,623,000

General Fund – State and Local Improvement Revolving Account – Water Supply Facilities: Appropriated pursuant to the provisions of chapter 128, Laws of 1972 ex. sess., (Referendum 27): PROVIDED, That (1) the state portion of water supply projects may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities \$6,430,688

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation for the Program for Local Service: PROVIDED, That \$600,156 of this appropriation shall be from federal sources \$1,200,313

For the Public Service Employment Program: PROVIDED, That these funds shall be federal Funds implementing Title II of the Comprehensive Employment and Training Act of 1973: PROVIDED FURTHER, That allocations of these funds shall be approved by the Legislative Budget Committee or the House and Senate Ways and Means Committees: PROVIDED FURTHER, That the Office of Program Planning and Fiscal Management shall provide the Senate and House Ways and Means Committees on a quarterly basis a report detailing actual expenditures, numbers of positions allocated, and programs or projects affected \$5,352,377

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation: PROVIDED, That the Department shall contract with Neighbors in Need for the purpose of removing Neighbors in Need recipients from reliance on food banks to full time gainful employment and Neighbors in Need may subcontract on a performance contract basis for a statewide training, placement and follow up program to provide diagnostic, tutorial, GED, job training, job search and placement. Financial penalties shall be provided for lack of performance: PROVIDED, That federal WIN funds be provided on their normal matching ratio not to exceed \$675,000 \$75,000

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation: PROVIDED, That the Department shall contract with the Fred Hutchinson Cancer Research Center for the purposes of securing a viable cancer research program in this state \$500,000

NEW SECTION. Sec. 24. FOR DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund – State and Local Improvement Revolving Account – Social and Health Services Facilities: Appropriated pursuant to the provisions of chapter 130, Laws of 1972 ex. sess., (Referendum 29), for social and health services facilities; The Department of Social and Health Services is authorized to obligate for purposes of carrying out the provisions of chapter 130, Laws of 1972 ex. sess., a total of \$24,750,000: PROVIDED, That expenditures against these obligations shall not exceed \$10,000,000: PROVIDED FURTHER, That no funds shall be expended for specific projects without the prior approval of the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees or the Legislative Budget Committee: PROVIDED FURTHER, The governing body of any county, city or political subdivision of the state may permit the use by lease, contract for service, or otherwise of the facilities of any social and health care facility by any community service organization, nonprofit corporation, group or association, for the purpose of conducting a program of education, training, or other purpose, for the residents of such institutions if determined by the director to be beneficial to such residents or a

portion thereof \$10,000,000

Sec. 25. Section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[General Fund Appropriation: PROVIDED, That \$594,866,929 is from state funds and \$6,541,168 is from private and local funds and \$417,713,198 is from federal funds: PROVIDED, That any proposal to expend moneys or man years from an appropriated fund or account in excess of appropriations provided by law, based upon the receipt of unanticipated revenues, shall be submitted to the House Ways and Means Committee and to the Senate Ways and Means Committee, if the state legislature is in session, or to the legislative budget committee during the interim between legislative sessions which may authorize the expenditure of unanticipated receipts during the legislative interim arising from federal sources, gifts or grants, by a majority of the members: PROVIDED, That the Department initiate negotiations with the federal government for federal administration of the state supplementation of the supplemental security income program and also initiate negotiations for the optional federal administration of eligibility for medicaid by the adult recipients: PROVIDED, That a draft negotiated contract shall be submitted to the legislative Budget Committee or to the House and Senate Ways and Means Committees if the legislature is in session by Sept. 15, 1973 for their review and such contract shall not be completed without legislative authorization: PROVIDED, That if the claim made by the state to the U.S. Department of Health, Education and Welfare on October 24, 1972 for reimbursement in the amount of \$32,876,903 is sustained or any portion of that claim is sustained such funds shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That all disputes arising between the state and the United States Department of Health, Education, and Welfare involving the state's claim to federal reimbursement of state expenditures as provided by the applicable provisions of Titles I, IV, X, XIV, XVI and XIX of the Social Security Act which would have the effect of reducing or increasing any appropriation or any part thereof shall be negotiated and settled only with the consent of a majority of the members of the House Ways and Means Committee and the Senate Ways and Means Committee: PROVIDED, That the sum of \$5,508,264 currently being held by the State Treasurer in Suspense Fund 705 pending the completion of a federal review of the legitimacy of the claim for such moneys shall continue to be held and no allocation or disbursements of these funds, except to repay the federal government if necessary, shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That if the Department claims additional matching for the period of October 1, 1972 through June 30, 1973, or any

portion thereof, such moneys shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That the department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads and that caseloads are kept within the estimates for which funds are herein provided: PROVIDED, That compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the Department shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower the maximums presently imposed: PROVIDED, That the agency charged with the responsibility for performance or management audits shall periodically monitor departmental management to insure that compliance with these provisions is being maintained: PROVIDED FURTHER, That this appropriation shall be expended for the

following purposes \$1,019,121,295

Adult Corrections and Rehabilitative Services

Program \$42,208,916

Juvenile Rehabilitation Program: PROVIDED, That it is the intent of the legislature that the delinquency prevention program shall

be continued \$29,994,492

Mental Health Program \$51,994,015

Developmental Disabilities Program: PROVIDED, That \$115,050 is appropriated for auditory training systems for use at the state school for the deaf: PROVIDED, That of the new positions authorized in this act twenty-five shall be developmental disability community workers added during the first year of the biennium and on additional twenty-five developmental disability community workers to be added during the second year of the biennium \$70,118,192

Veterans' Services Program: PROVIDED, That the Department of Social and Health Services shall perform an in-depth study regarding the need for the Veterans' Home at Retsil, and the Soldiers' Home and Colony at Orting, and possible alternative approaches to provision of this service including, but not limited to, combining of the programs or closure of one or both homes, and the results are to be reported to the State Legislature prior to

October 1, 1973 \$6,431,756

Income Maintenance Program: PROVIDED, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: PROVIDED, That of this sum \$3,817,082 in state moneys or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing a state supplement up to the aid to families with dependent children public assistance standards for recipients of unemployment compensation benefits who, except for the restriction on eligibility for those receiving unemployment compensation benefits, meet aid to families with dependent children eligibility standards: PROVIDED, That those recipients concurrently receiving unemployment compensation benefits shall not be eligible for additional state funded medical services beyond those services now available to such recipients: PROVIDED, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and necessary incidentals shall not exceed fifty percent of the amount which would be paid to such a recipient if he were living in his own home: PROVIDED, That of this

appropriation \$3,611,163 of which \$1,692,552 is the state share, or so much thereof as shall be necessary, shall be utilized exclusively for the purpose of providing a five percent cost of living increase for recipients of aid to families with dependent children and general assistance from July 1, 1973 through June 30, 1975: PROVIDED, That the department shall report to the legislature the total amount of all moneys deposited in the state treasury in nonrevenue accounts and the total of all moneys received for nonassistance support collections accounts and that in no event shall the department utilize these moneys to establish new programs, to expand existing programs beyond legislatively authorized intent nor to supplant federal funds without specific legislative authorization: PROVIDED, That of this amount \$1,731,330 of which the state share shall be \$840,620 shall be utilized exclusively for the purpose of providing a five percent cost of living increase for old age assistance, aid to blind and disability assistance categorical recipients from July 1, 1973 through June 30, 1975: PROVIDED, That of this amount \$1,215,043 shall be utilized exclusively for the purpose of providing one hundred additional man-years and related costs within the employment level provided for in section 3 of this act consisting solely of welfare eligibility examiners of claims investigators and supervisors to be utilized in the local offices verification and overpayment control sections and such man-year allocations shall be so distributed as to provide the greatest impact upon insuring that income maintenance payments are made only to eligible recipients: PROVIDED, That within the employment level provided in section 3 of this act, not to exceed \$1,049,647 of this amount shall be utilized exclusively for the purpose of providing a total of seventy-six man-years and related costs for the "state investigative unit" whose responsibility shall be to investigate all complaints of fraud and to institute the proper corrective action \$350,162,055

Community Social Services Program: PROVIDED, That \$2,000,000 of this appropriation shall be used to reimburse those nonprofit voluntary agencies enumerated under RCW 74.15.020 (3) (a), (b) and (c) for costs incurred in the administration, operation and maintenance of such agencies, such costs being in addition to the purchase of care for such children as otherwise authorized by law: PROVIDED FURTHER, That \$786,064 in state funds, or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing for sixty man-years and related costs to continue the delinquency prevention program: PROVIDED, FURTHER, That the department may implement at its discretion a sliding scale of charges in accordance with existing statutes and regulations \$102,176,039

State General Fund Appropriation: for day care services for former and potential AFDC recipients \$4,067,000

Medical Assistance Program: PROVIDED, That the Department of Social and Health Services shall, commencing August 1, 1973 pay for skilled nursing care not less than the rates of \$12.82 per day per patient for Class I care, and \$10.00 per day per patient for Class II care, and shall pay not less than the rate of \$7.54 per day per resident for intermediate care \$271,581,120

: PROVIDED, That notwithstanding the provisions of RCW 18.51.090, the Department shall make a yearly inspection and investigation of all nursing homes; every inspection shall include an inspection of every part of the premises and an examination of all records including financial records, methods of administration, the general and special dietary, the dispersal of drugs, and the stores and methods of supply. The results of such inspection shall be made available to the House and Senate Ways and Means Committee and to the Legislative Budget Committee.
Public Health Program \$26,945,251

Vocational Rehabilitation Program: PROVIDED, That a person referred to and accepted by

the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: PROVIDED, That an amount up to \$100,000 shall be allocated for the Radio Talking Book program for the blind: PROVIDED, That of this appropriation \$150,000 shall be made available exclusively for the purpose of development programs for eligible disabled clients who were in vocational rehabilitation programs pursuant to performance contracts between the department and private placement agencies: PROVIDED FURTHER, That such services shall be made available in a state-wide program that teaches disabled persons (1) How to inventory their work skills and relate such skills to the labor market; (2) Where jobs fitting their work skills are most likely to be available; (3) How to conduct a systematic search for employment and how to present themselves most favorably to a prospective employer; and (4) How and where education and training are available to develop or improve marketable work skills \$29,888,865

Administration and Supporting

Services Program \$33,554,044

General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

Medical Assistance \$5,100,000
 Vocational Rehabilitation \$ 25,000

General Fund Appropriation for grants to communities for mental health and mental retardation construction grants not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

Mental Health \$1,115,996
 Developmental Disabilities \$ 303,197]

It is the intent of the legislature that any proposal to expend moneys or FTE Staff years from an appropriated fund or account in excess of those FTE Staff years contained in section 23 of this 1974 amendatory act or appropriations provided by law shall be subject to legislative approval as provided in section 23 of this 1974 amendatory act.

If the claim made by the state to the United States Department of Health, Education, and Welfare on October 24, 1972 for reimbursement in the amount of \$32,876,903 is sustained or any portion of that claim is sustained such funds shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That all disputes arising between the state and the United States Department of Health, Education, and Welfare involving the state's claim to federal reimbursement of state expenditures as provided by the applicable provisions of Titles I, IV, X, XIV, XVI, and XIX of the Social Security Act which would have the effect of reducing or increasing any appropriation or any part thereof shall be negotiated and settled only with the consent of a majority of the members of the House and Senate Ways and Means Committees: PROVIDED, That the sum of \$5,508,264 currently being held by the State Treasurer in Suspense Fund 705 pending the completion of a federal review of the legitimacy of the claim for such moneys shall continue to be held and no allocation or disbursements of these funds, except to repay the federal government if necessary, shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That if the Department claims additional matching funds for the period of October 1, 1972 through June 30, 1973, or any portion thereof, such moneys shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law.

It is the intent of the legislature that the department of social and health services shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads and that caseloads are kept within the estimates for which funds are herein provided: PROVIDED, That compliance with this 1974 amendatory act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the Department shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower than the maximums presently imposed and covered within this 1974 amendatory act or chapter 139, Laws of 1973 1st ex. sess.: PROVIDED, That the Legislative Budget Committee shall periodically monitor departmental management to insure that the provisions in this 1974 amendatory act and chapter 139, Laws of 1973 1st ex. sess. are being complied with: PROVIDED, That the department shall prepare and submit to the Senate and House Ways and Means Committees by July 1, 1974 a detailed report on the status of the systems improvement project specifically identifying the compliance with legislative intent.

General Fund Appropriation for Adult Corrections and Rehabilitative Services Program: PROVIDED, That \$40,558,521 is from state funds and \$1,703,531 is from federal funds: PROVIDED FURTHER, That \$25,384 of state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That \$27,752 of state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs of the Commission created by the passage of chapter 81, Laws of 1974 1st ex. sess., for jail inspections \$42,262,052

General Fund Appropriation for Juvenile Rehabilitation Program: PROVIDED, That \$28,582,996 is from state funds and \$1,419,440 is from federal funds: PROVIDED FURTHER, That \$7,944 of state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates \$30,002,436

General Fund Appropriation for Mental Health Program: PROVIDED, That \$49,734,338 is from state funds, \$5,019,357 is from federal funds, and \$336,710 is from local and other funds: PROVIDED FURTHER, That \$135,300 of state funds contained in this appropriation shall be used to fund 5.8 FTE Mental Health Administrator staff years: PROVIDED FURTHER, That \$851,717 of state funds contained in this appropriation shall be used to fund those salary related costs identified specifically for the administration of the Mental Health Civil Commitment law: PROVIDED FURTHER, That \$2,027,007 in federal funds and \$76,701 in local funds contained in this appropriation or so much thereof as shall be necessary shall be used for the Alcoholism program: PROVIDED, That up to \$775,974 of state general fund moneys may be allocated to the alcoholism program if FY 75 federal receipts are not available in time for FY 75 alcoholism program requirements, and such state general fund moneys utilized shall be reimbursed to the general fund when federal funds become available: PROVIDED FURTHER, That \$5,665 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates \$55,090,405

General Fund Appropriation for Developmental Disabilities Program: PROVIDED, That \$71,202,279 is from state funds, \$2,702,621 is from federal funds, and \$621,893 is from local or other funds: PROVIDED FURTHER, That \$741,443 in state funds contained in this appropriation and \$9,382 in federal funds contained in this

appropriation or so much thereof as shall be necessary shall be used to fund those salary related costs for 29.3 FTE Attendant Counselor staff years at Fircrest School and 41.9 FTE Attendant Counselor Staff years at Rainier School: PROVIDED FURTHER, That \$200,973 in federal funds and \$99,771 in state funds contained in this appropriation shall be used to fund the construction of the Friends Services Group Home in Seattle and the W.A.R.C. Group Home in Spokane: PROVIDED FURTHER, That \$1,008,916 in federal funds and \$409,161 in local funds contained in this appropriation shall be used for caseload related costs in the Epton Center Program: PROVIDED FURTHER, That \$501,025 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund 41.5 FTE Community Worker Staff years previously authorized in chapter 139, Laws of 1973 1st ex. sess.: PROVIDED FURTHER, That \$4,155 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That \$1,433,775 in State funds or so much thereof as shall be necessary shall be used to fund overtime cost for institutional employees as required by the National Fair Labor Standards Act: PROVIDED HOWEVER, That not more than \$200,000 of this sum shall be spent until the Department has presented to the Legislative Budget Committee a comprehensive review of compensatory time scheduling in the developmental disabilities institutions and the committee has approved a program of compensatory and cash overtime scheduling for the remainder of the biennium: PROVIDED FURTHER, That the Department may undertake a program of chartering transportation for students from Washington State schools for the blind and/or the deaf to and from points within this state over weekends and/or vacation periods \$74,526,793

General Fund Appropriation for Veterans' Services Program: PROVIDED, That \$5,820,678 is from state funds and \$612,177 is from local and other funds: PROVIDED, That the department of social and health services shall perform an in-depth study regarding the need for the Veterans' Home at Retsil, and the Soldiers' Home and Colony at Orting, and possible alternative approaches to provision of this service including, but not limited to, combining of the programs or closure of one or both homes, and the results shall be reported to the legislature prior to June 1, 1974: PROVIDED FURTHER, That \$1,099 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates \$6,432,855

General Fund Appropriation for Income Maintenance Program: PROVIDED, That \$182,236,158 is from state funds and \$164,460,934 is from federal funds: PROVIDED FURTHER, That \$1,598,037 in federal funds and \$1,573,711 in state funds or so much thereof as shall be necessary shall be used to fund simplification of standards for AFDC and GA-U recipients according to the following schedule:

No. of Persons	Area I (King, Snohomish, Pierce, Thurston)	Area II (Rest of State)
1	\$163	\$154
2	\$236	\$213
3	\$286	\$266

For those families with more than three persons, the standard shall be increased by \$50 for each additional person: PROVIDED FURTHER, That any household whose grant will be reduced as a result of simplification will receive an amount equal to the reduction from the state General Assistance program, and such amount, subject to the

approval of Federal authorities, shall not be treated as income for the purposes of computing eligibility or payment levels with Federal assistance categories and to carry out this proviso \$1,000,000 in State funds shall be available: PROVIDED FURTHER, That \$1,944,737 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs to this program resulting from the impact of P.L. 93-233: PROVIDED FURTHER, That \$16,042 in federal funds and \$18,831 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That the Legislative Budget Committee is hereby directed to do a performance audit of the several funding and program shifts proposed by the department in this program in order to ascertain both the completeness of the departmentally proposed program reductions and additions as well as the validity of requesting expansion of the inter-program funding flexibility as set by the 1973 legislature, and to report its findings to the legislature by November 1, 1974: AND PROVIDED FURTHER, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: PROVIDED, That \$3,817,082 in state moneys contained in this appropriation or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing a state supplement up to the aid to families with dependent children public assistance standards for recipients of unemployment compensation benefits who, except for the restriction on eligibility for those receiving unemployment compensation benefits, meet aid to families with dependent children eligibility standards: PROVIDED, That those recipients concurrently receiving unemployment compensation benefits shall not be eligible for additional state funded medical services beyond those services now available to such recipients: PROVIDED, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and necessary incidentals shall not exceed fifty percent of the amount which would be paid to such a recipient if he were living in his own home: PROVIDED, That \$3,611,163 contained in this appropriation of which \$1,692,552 is from state funds or so much thereof as shall be necessary shall be utilized exclusively for the purpose of providing a five percent cost of living increase for recipients of aid to families with dependent children and general assistance from July 1, 1973 through June 30, 1975: PROVIDED, That the department shall report to the legislature the total amount of all moneys deposited in the state treasury in nonrevenue accounts and the total of all moneys received for nonassistance support collections accounts and that in no event shall the department utilize these moneys to establish new programs, to expand existing programs beyond legislatively authorized intent nor to supplant federal funds without specific legislative authorization: PROVIDED, That \$1,731,330 contained in this appropriation of which \$840,620 is from state funds shall be utilized exclusively for the purpose of providing a five percent cost of living increase for old age assistance, aid to blind and disability assistance categorical recipients from July 1, 1973 through June 30, 1975: PROVIDED, That \$1,215,043 contained in this appropriation shall be utilized exclusively for the purpose of providing one hundred additional man-years and related costs within the employment level provided for in section 23 of this 1974 amendatory act consisting solely of welfare eligibility examiners of claims investigators and supervisors to be utilized in the local offices verification and overpayment control sections and such man-year allocations shall be so distributed as to provide the greatest impact upon insuring that income maintenance payments are made only to eligible recipients: PROVIDED, That within the employment level provided in section 23 of this 1974 amendatory act, not to exceed \$1,049,647 contained in this appropriation shall be utilized exclusively for the purpose of providing a total of seventy-six FTE staff years and related costs for the "state investigative unit" whose responsibility shall be to investigate all complaints of fraud and to institute the proper
corrective action \$346,697,092

General Fund Appropriation for Community Social Services Program: PROVIDED, That

\$38,262,691 is from state funds, \$67,280,560 is from federal funds, and \$391,178 is from local or other funds: PROVIDED FURTHER, That \$1,039,132 in federal funds or so much thereof as shall be necessary shall be used for Public Assistance caseload related costs: PROVIDED FURTHER, That \$4,067,000 or so much thereof as shall be necessary contained in this appropriation shall be used for day care services for former and potential AFDC recipients: PROVIDED FURTHER, That \$52,458 in federal funds and \$33,128 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That \$343,000 from state funds and \$79,000 from federal funds shall be used to increase family foster care rates by 9%: PROVIDED FURTHER, That \$36,000 from state funds and \$4,000 from federal funds shall be used to purchase liability insurance for foster parents: PROVIDED FURTHER, That \$36,000 in state funds and \$5,000 in federal funds shall be used to increase receiving home care rates by 9%: PROVIDED FURTHER, That the Department's Community Services Division shall refer AFDC and General Assistance Disabled recipients to the Vocational Rehabilitation Services Division in accordance with the criteria developed jointly between the Community Services Division and the Vocational Rehabilitation Division a copy of which will be submitted to the House and Senate Ways and Means Committees: PROVIDED FURTHER, That Vocational Rehabilitation shall provide for diagnostic services for those recipients referred including remedial services, tutorial, GED, motivational, job skill training, job search and placement, and follow-up services and available maintenance support, then those AFDC and GA recipients referred to vocational rehabilitation and subsequently determined to be ineligible for all Vocational Rehabilitation services they shall be referred by Vocational Rehabilitation and/or Community Services Division to such organizations or vendors providing the above services utilizing Social Services funds not to exceed \$2,400,000 and additional Vocational Rehabilitation funds provided in this 1974 amendatory act: PROVIDED FURTHER, That the Division of Vocational Rehabilitation shall be responsible and shall contract with organizations or vendors for remedial services including job placement, by competitive bid and by performance contract, with a financial penalty to contractors for failure to perform, and qualified bidders shall be able to provide such services on a state-wide basis: PROVIDED FURTHER, That starting with the first quarter of fiscal year 1975 the department shall prepare written quarterly reports and shall submit such reports to the Senate and House Ways and Means Committees, which reports shall include, but not be limited to, the cost benefits to the state resulting from the concentrated effort by the department for those recipients receiving remedial services: PROVIDED FURTHER, That the Legislative Budget Committee is hereby directed to implement a performance audit of the several funding and program shifts proposed by the department in these program areas in order to ascertain both the completeness of the departmentally proposed program reductions and additions as well as the validity of requesting expansion of the inter-program funding flexibility as set by the 1973 legislature, and report its findings to the chairmen of the Senate and House Ways and Means Committees by November 1, 1974: PROVIDED, That \$2,000,000 of this appropriation shall be used to reimburse those nonprofit voluntary agencies enumerated under RCW 74.15.020 (3) (a), (b) and (c) for costs incurred in the administration, operation and maintenance of such agencies, such costs being in addition to the purchase of care for such children as otherwise authorized by law: PROVIDED FURTHER, That \$786,064 in state funds, or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing for sixty man-years and related costs to continue the delinquency prevention program: PROVIDED FURTHER, That the department may implement at its discretion a sliding scale of charges in accordance with existing statutes and regulations: PROVIDED FURTHER, That \$396,505 in state funds and \$328,256 in federal funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund those salary related costs for 38 FTE Caseworkers Staff-Years for the Protective Services Program \$105,934,429

General Fund Appropriation for Medical Assistance Program: PROVIDED, That

\$152,239,416 is from state funds and \$143,945,331 is from federal funds: PROVIDED FURTHER, That \$10,518,398 in federal funds and \$13,747,163 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used for Public Assistance caseload related costs: PROVIDED FURTHER, That \$482,400 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs to this program resulting from the impact of P.L. 93-233: PROVIDED FURTHER, That \$7,385 in federal funds and \$8,000 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That the Legislative Budget Committee is hereby directed to implement a performance audit of the several funding and program shifts proposed by the department in this program in order to ascertain both the completeness of the departmentally proposed program reductions and additions as well as the validity of requesting expansion of the inter-program funding flexibility as set by the 1973 legislature, and to report its findings to the legislature prior to the next regular session: PROVIDED, That the Department of Social and Health Services shall, commencing August 1, 1973 pay for skilled nursing care not less than the rates of \$12.82 per day per patient for Class I care, and \$10.00 per day per patient for Class II care, and shall pay not less than the rate of \$7.54 per day per resident for Intermediate care: PROVIDED, That notwithstanding the provisions of RCW 18.51.090, the Department shall make a yearly inspection and investigation of all nursing homes; every inspection shall include an inspection of every part of the premises and an examination of all records including financial records, methods of administration, the general and special dietary, the dispersal of drugs, and the stores and methods of supply. The results of such inspection shall be made available to the House and Senate Ways and Means Committee and to the Legislative Budget Committee: PROVIDED FURTHER, That the Legislature having found that information received from the Department of Social and Health Services concerning utilization review has been inadequate and that there is substantial question as to the continuing quality of health care rendered in the state, the Department shall provide to the House and Senate Ways and Means Committees a full and complete report including utilization review procedures, reports, and departmental actions taken as a result of such reports as well as similar efforts concerning quality control within the medical assistance program and such reports shall be provided initially by June 1, 1974 and submitted quarterly thereafter \$296,184,747

General Fund Appropriation for Public Health Program: PROVIDED, That \$8,727,005 is from state funds, \$13,533,371 is from federal funds, and \$4,693,600 is from local and other funds: PROVIDED FURTHER, That \$8,725 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates \$26,953,976

General Fund Appropriation for Vocational Rehabilitation Program: PROVIDED, That \$7,744,528 is from state funds and \$26,107,868 is from federal funds and \$563,975 is from local and other funds: PROVIDED, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: PROVIDED, That an amount up to \$100,000 shall be allocated for the Radio Talking Book program for the blind: PROVIDED, That of this appropriation \$150,000 shall be made available exclusively for the purpose of development programs for eligible disabled clients who were in vocational rehabilitation programs pursuant to performance contracts between the department and private placement agencies: PROVIDED FURTHER, That such services shall be made available in a state-wide program that teaches disabled persons (1) How to inventory their work skills and relate such skills to the labor market; (2) Where jobs fitting their work skills are most likely to be available; (3) How to conduct a systematic search for employment and how to

present themselves most favorably to a prospective employer; and (4) How and where education and training are available to develop or improve marketable work skills: PROVIDED, That of this appropriation \$1 million dollars or as much thereof as is necessary shall be made available for the purpose of providing specialized rehabilitation services to those severely handicapped persons including paraplegics and quadriplegics as defined in the Vocational Rehabilitation Program regulations who should receive intensive and early rehabilitation services to improve their opportunity to be restored, to the extent possible, to a productive capacity: PROVIDED FURTHER, That the Vocational Rehabilitation, Community Social Services and Health Services Divisions of the Department of Social and Health Services shall review their caseload and develop program plans for this special program involving the severely handicapped and shall report to the House and Senate Ways and Means Committees the caseload findings and program plans for approval of those committees, prior to July 1, 1974: PROVIDED FURTHER, That, to the extent possible such plans shall consider programs for such severely disabled persons that are not determined as eligible for vocational rehabilitation program funding but can be assisted by such a program to achieve some degree of self-care from other available funding sources \$34,416,371

General Fund Appropriation for Administration and Supporting Services Program: PROVIDED, That \$19,812,857 is from state funds and \$14,478,494 is from federal funds: PROVIDED FURTHER, That \$106,815 in federal and \$160,223 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund those salary related costs for 19.8 FTE Support Enforcement Officer Staff years: PROVIDED FURTHER, That \$116,951 in federal funds and \$175,427 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund 15.6 FTE staff years for Nursing Home Audit Staff: PROVIDED FURTHER, That \$95,115 in federal funds and \$83,226 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That \$4,000 shall be used by the Department to compile and maintain public records, using information from any available source, on all persons in the state who have been affected with a burn injury affecting five percent or more of his body as a result of fabric ignition \$34,291,351

General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.
 Medical Assistance \$5,100,000
 Vocational Rehabilitation \$ 25,000

General Fund Appropriation for grants to communities for mental health and mental retardation construction grants not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.
 Mental Health \$1,115,996
 Developmental Disabilities \$ 303,197

Sec. 26. Section 3, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:
 It is the intent of the Legislature that the department of social and health services shall not expend in excess of [26,320 man-years] 26,395 FTE staff-years during the 1973-75 biennium. The department shall allocate these [man-years] FTE staff-years among the various programs in such a manner as to effect the maximum efficiency and effectiveness possible [: PROVIDED, That it]. It is the further intent of the Legislature that in making necessary adjustments in [man-years] FTE staff-years the Department of Social and Health Services shall retain those local office personnel officers and staff needed to maintain adequate position control and [,] to process personnel actions [and that]. Any reductions necessitated by legislative intent shall reduce state level personnel officers [: PROVIDED, That this restriction shall not apply to staff positions funded by one hundred percent

federal moneys in the Office of Disability Insurance throughout the 1973-75 biennium: PROVIDED, That this restriction shall not apply to those staff positions directly concerned with the enumeration and conversion of the current old age assistance, aid to blind and disability assistance programs to Supplemental Security Income as these functions are performed through federal contract and funded one hundred percent from federal moneys for the period up to January 1, 1974: PROVIDED FURTHER, That any deviations]. *Any exceptions* from the overall [man-year] *FTE staff-year* limitations [because of these three exceptions] *imposed by this section* shall be [promptly reported to] *approved by either* the House and Senate Ways and Means Committees [chairmen if the Legislature is in session or to] *or the Legislative Budget Committee* [: PROVIDED, That]. *It is the intent of the Legislature that compliance with overall intent expressed through this 1974 amendatory act and chapter 139, Laws of 1973 1st ex. sess. shall result in the least disruption of currently filled positions and that every effort shall be made by the Department, within the rules and regulations of the Personnel Board, to comply with the intended man-year adjustments through failing to fill vacancies caused by attrition and other similar means including reclassifications of existing positions as necessary.*

Sec. 27. Section 8, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all [of] *or any portion of the funds herein appropriated or included in this budget, to the department for such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment. [(a) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (b) When the department proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: PROVIDED HOWEVER, That] The aggregate of allotments for the department shall not exceed the total of applicable appropriations [and], local funds available to the department or allied agency and unanticipated receipts approved for expenditure pursuant to law. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.*

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1973; for the sole purpose of authorizing the department and its allied agencies to order goods, supplies, or services for delivery after July 1, 1973: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1973.

Sec. 28. Section 9, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

[Whenever possible, the receipt of] *Federal or other funds which [are] were not anticipated by the governor's budget for the 1973-75 biennium or in the appropriations enacted by [the] all sessions of the 43rd Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources pursuant to policies and procedures in section 67, chapter 142, Laws of 1974 1st ex. sess.*

Sec. 29. Section 10, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

In the event that receipts *from any source* shall be less than those estimated [in the budget from any source] expenditures shall be limited to the amount received and allotments made as provided in section 8, *chapter 139, Laws of 1973 1st ex. sess.* Receipts for purposes of this section shall include amounts realized within one calendar month

following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

NEW SECTION. Sec. 30. FOR THE OFFICE OF GOVERNOR

General Fund Appropriation

Community Assistance	\$163,824
State Headstart Program	\$ 29,608
Program coordination: PROVIDED, That \$82,410 of this appropriation shall be from federal funds	\$ 99,688

NEW SECTION. Sec. 31. SPECIAL APPROPRIATIONS TO THE GOVERNOR

General Fund Appropriation for allocation to state agencies to provide an additional monthly contribution of \$15 per employee effective June 1, 1974 to employee insurance programs approved pursuant to chapter 41.05 RCW: PROVIDED, That \$1,004,947 shall be from federal revenue sources	\$6,858,027
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Special Fund – Insurance Benefits Increase Revolving Fund Appropriation. There is hereby created in the state treasury the Special Fund Insurance Benefits Increase Revolving Fund which shall be used solely to facilitate payment of state employee insurance benefit increases from special funds, and the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Insurance Benefits Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required, effective June 1, 1974 for additional monthly contribution of \$15 per employee to employee insurance programs to be allotted to those agencies for employees who are participating in insurance programs approved pursuant to chapter 41.05 RCW \$2,141,973

Sec. 32. Section 34, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation for General Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled – 1.0; each full time equivalent student enrolled in vocational education in grades 9-12 when excess costs are documented for the class where the class is approved by the state superintendent, an added – 1.0; all identified culturally disadvantaged children receiving an approved program, an added – .1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts adjusted to reflect legislative appropriation levels shall be used; for school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1972-73 school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 biennium unless their enrollment exceeds 250 students in grades 9-12 or nonhigh districts unless their enrollment exceeds 100 students: PROVIDED, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the “remote and necessary” provision or “fewer than 250 students in grades 9-12” provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation; full time equivalent

students residing on tax exempt property (chapter 130, Laws of 1969), an added - .25; full time equivalent students in an approved interdistrict cooperative program (chapter 130, Laws of 1969), an added - .25: PROVIDED, That \$1,148,325 is included for allocation to local school districts outside the school apportionment formula during the 1973-74 school year for the purpose of funding the difference between funds received to date and hereafter through the school apportionment formula for continuation of the \$40 per month salary increase provided for classified employees February 1, 1973 and the amount necessary for such continuation: PROVIDED, That an amount not to exceed \$345,020 is included for the five vocational-technical institutes: PROVIDED, That no portion of these funds shall be allocated to a school district which expends or anticipates expending moneys in excess of their certified budget or budget extensions thereto as filed with the office of the Superintendent of Public Instruction and the Board of Education: [PROVIDED, That it is the intent of the Legislature that the \$11,100,000 of the funds contained in this appropriation shall be used to reduce maintenance and operations excess levies to the extent an individual school district's revenue for 1974-75 exceeds the school district's revenue for 1973-74 exclusive of the two mill payment delayed from June to July: PROVIDED, That the Superintendent of Public Instruction shall withhold from the amounts otherwise to be distributed through the apportionment formula to the districts any funds in excess of such 1973-74 revenues unless such districts demonstrate that excess maintenance and operations levies have been reduced to a comparable level with 1973-74 school district revenues: PROVIDED, That no district shall be required to reduce excess maintenance and operation levies if such districts revenue per pupil for basic support is below the state-wide average of the 1973-74 school year for comparable districts:] PROVIDED, That the receipt of federal funds which can be distributed through the apportionment formula and which provide funding in excess of 1973-74 categorical funding levels shall require the reversion of an equal amount of state funds at the end of the biennium: PROVIDED, That \$3,900,776 of this appropriation shall be allocated to local districts for additional reimbursement of incurred 1974-75 transportation costs: PROVIDED, That up to \$100,000 of this appropriation shall be utilized by the Superintendent of Public Instruction to further implement the provisions of chapter 91, Laws of 1974 1st ex. sess. and to promote the safe transportation of common school students: PROVIDED FURTHER, That the Superintendent of Public Instruction shall consult with the House and Senate Ways and Means Committees prior to taking any action in compliance with [these] the following provisos and the determination of such committees shall be interpreted as a directive to the Superintendent of Public Instruction: PROVIDED, That \$646,819 is included for allocation to local school districts outside the school apportionment formula during the 1974-75 school year for the purpose of funding the difference between funds to be received through the school apportionment formula for continuation of the \$40 per month salary increase provided for classified employees February 1, 1973 and the amount necessary for such continuation: PROVIDED, That the Superintendent of Public Instruction shall conduct internal audits of all districts whose staff characteristics factor for 1974-75 has increased from fiscal 1973-74: PROVIDED, That the county treasurers shall withhold that percentage of May 1974 real estate excise tax receipts until July 1974 for distribution as directed by the Department of Revenue: PROVIDED, That the Department of Revenue shall establish such percentage to insure that not more than \$29,600,000 of county real estate excise taxes are distributed between July 1, 1973 and June 30, 1974: PROVIDED, That the Superintendent of Public Instruction is directed to adjust the per weighted pupil guarantee for the 1974-75 school year period to the extent additional revenue in excess of \$30,800,000 from the real estate excise tax becomes available: PROVIDED, That \$800,000 or so much thereof as may be necessary to maintain the \$89,547,000 contained in this appropriation for the state collected property tax, shall be distributed to local school districts in the same manner as the distribution of the state collected property tax, contingent on the passage of chapter . . . , Laws of 1974 1st ex. sess. (SSB 3283) [115,775,342] \$120,833,472

NEW SECTION. Sec. 33. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation: PROVIDED, That this appropriation shall be distributed by the Superintendent of Public Instruction on the basis of \$30 per FTE pupil, or as much as may be available for each FTE enrolled pupil in each district levying an excess levy for maintenance and operation purposes for 1975 collection, or in which the maximum number of elections pursuant to law have been conducted for maintenance and operation excess levies for 1975 collection; or in each district in which the per pupil cost in such district, excluding transportation is less than the state average for the preceeding year \$25,000,000

NEW SECTION. Sec. 34. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation: PROVIDED, That an amount not to exceed \$114,000 shall be utilized for Gifted Student pilot programs \$114,000

NEW SECTION. Sec. 35. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation for Handicapped Children - Excess Costs: PROVIDED, That these funds shall be utilized exclusively for an additional 1,000 handicapped children with learning language disabilities: PROVIDED FURTHER, That the Superintendent of Public Instruction shall conduct internal audits of learning disabilities programs in school districts to determine the effectiveness of the learning disabilities definition and shall report back to the Ways and Means Committees of the legislature prior to January 1, 1975 \$500,000

NEW SECTION. Sec. 36. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation: PROVIDED, That an amount not to exceed \$250,000 shall be utilized to conduct a study of local school district data processing: PROVIDED, That recommendations resulting from this study shall be presented to the Governor and the Legislature on or before December 20, 1974: PROVIDED FURTHER, That this study shall be conducted in cooperation with representatives of local school districts, the State Data Processing Authority, the Office of Program Planning and Fiscal Management, and the House and Senate Ways and Means Committees \$250,000

NEW SECTION. Sec. 37. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation: PROVIDED, That this appropriation shall be used to conduct a review of noninstructional education costs by a task force selected from the state business community \$35,000

NEW SECTION. Sec. 38. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation for continuation of the classified salary study \$34,000

NEW SECTION. Sec. 39. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation: PROVIDED, That an amount not to exceed \$225,000 shall be utilized for the development of basic skills accountability pilot programs in grades kindergarten through six: PROVIDED, That such a system shall include a survey of student achievement in reading, communications skills, and mathematics: PROVIDED FURTHER, That beginning July 1, 1975, the Office of the Superintendent of Public Instruction shall include in its biennial budget request such additional funds as it deems necessary to expand the kindergarten through sixth grade basic skills accountability program to all school districts in the State of Washington \$225,000

NEW SECTION. Sec. 40. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 General Fund Appropriation to replace actual losses to affected school districts attendant to a final determination of Case 4263 Ralph C. Valentine et. al. vs. Kenneth B. Johnston, et. al. \$750,298

NEW SECTION. Sec. 41. FOR THE STATE BOARD OF EDUCATION
 Common School Construction
 Account Fund \$21,500,000

NEW SECTION. Sec. 42. FOR THE COUNCIL ON HIGHER EDUCATION
 General Fund Appropriation: PROVIDED, That the council on higher education shall transmit copies of such budget review reports as are addressed in RCW 28B.80.030 to

the house and senate ways and means committees and to the legislative budget committee no later than twenty days prior to the date on which the governor submits the budget document to the legislature: PROVIDED FURTHER, That the institutions of higher education and the state board for community college education shall furnish, at the council's direction, all information which the council deems necessary to execute the provisions of

RCW 28B.80.030 \$123,700

NEW SECTION. Sec. 43. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: PROVIDED, That none of these funds shall be used for faculty salary increases or related benefits: PROVIDED FURTHER, That the State Board for Community College Education shall submit a written report to the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees documenting the procedures adopted to apply the intent of this proviso to all formula generated funds: PROVIDED, That recommendations to the 44th Legislature, Regular Session, shall be made for appropriate adjustments to the Community College funding formulas on the basis of institutional size and such other factors for which valid cost information exists: PROVIDED FURTHER, That such recommendations shall be made by the Office of Program Planning and Fiscal Management after consultation with and the receipt of recommendations of the staff of the Council on Higher Education and of the State Board and the staffs of the House and Senate Ways and Means Committees by January 15, 1975: PROVIDED, That \$100,000 of this appropriation or so much thereof as shall be necessary shall be used to support the intent of the commitment of the State Board for Community College Education Resolution No. 73-69 and these funds shall be used for the first year of a three-year demonstration project designed to provide community college services on a decentralized basis and without major capital facilities as a viable alternative delivery system and the community college Board is hereby required to compile data for (1) analysis of the demonstration as an effective means of delivery of educational services, and (2) identification of the cost factors and the accommodations necessary to relate the funding of this style of operation with that of the traditional approaches to delivery of services and a report of progress in implementing this proviso including specific information on the demonstration supported with these and related funds shall be submitted to the Legislative Budget Committee, the Council on Higher Education, and the Governor prior to the regular session of the legislature in January, 1975 \$3,127,502

Community College Capital Project Account Appropriation: PROVIDED, That funds are made available from releases of current reserve requirements, as retained in the Community College Bond Retirement Fund, contingent upon refinancing of revenue tuition bonds to full faith in credit bonds under HJR 52: PROVIDED, That such funds released shall only be used for the purchase and maintenance of capital assets, including equipment, and for such other purchases as set forth in RCW 28B.50.360: PROVIDED FURTHER, That none of these funds will be used for salary increases or additional FTE positions: PROVIDED FURTHER, That the State Board for Community College Education shall submit a written report to the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees documenting the procedures adopted to apply the intent of this proviso to all formula generated funds \$4,900,000

Community College Capital Improvements Account Appropriation: PROVIDED, That such funds shall be used for an inflationary adjustment to 1973 approved projects: PROVIDED FURTHER, That no expenditure of these funds shall be made until each project has been reviewed by the Office of Program Planning and Fiscal Management \$2,146,591

NEW SECTION. Sec. 44. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: PROVIDED, That this appropriation shall be used for the independent development of an equipment inventory system to be used by all community colleges and to obtain an independent audit of the current inventory reported under the common system to be accomplished December 1, 1974: PROVIDED, That the common equipment inventory system shall include, but not be limited to, identification of equipment items, date of acquisition, estimated useful life, original cost, location, and programs which utilize the equipment \$40,000

NEW SECTION. Sec. 45. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: PROVIDED, That these funds will be released to the State Board for Community College Education after the Office of Program Planning and Fiscal Management has received a written commitment from the State Board for Community College Education that by September 1, 1976 all community colleges will be using a single administrative information system which employs a data base approach and that all processing of the administrative system will be accomplished on computer systems approved by the Data Processing Authority \$268,000

NEW SECTION. Sec. 46. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 35,600

Sec. 47. Section 41, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE LIBRARY

General Fund Appropriation: PROVIDED, That [\$1,336,000 of this amount should be allotted to local library districts to replace local property tax revenues and maintain present levels of library service: PROVIDED, That \$1,669,353 of this amount shall be from Federal funds under which \$1,400,620 is available for library service and \$260,733 is available for capital construction purposes: PROVIDED HOWEVER, That no Federal funds shall be expended unless authorized by the Senate and House Ways and Means Committees of the legislature: PROVIDED FURTHER, That \$863,000 of the State General Funds appropriated to the state library for the 1973-75 biennium shall be held in unallotted status and against which no expenditures or commitments shall be made pending the determination by the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees as to whether or not Federal funds can be authorized in lieu of the \$863,000 appropriation of state funds: PROVIDED FURTHER, That if the Federal funds are available, the \$863,000 in state funds shall revert to the state treasury \$3,005,353]

\$1,128,081 of this amount be in state funds and that \$317,124 of this amount shall be allotted to the on-going operation of the resource directory and \$810,957 shall be allotted to the further development of said resource directory: PROVIDED FURTHER, That the executive director, data processing authority shall approve all work orders and deliverables under such work orders in the further development of the resource directory: PROVIDED FURTHER, That the office of program planning and fiscal management shall determine an appropriate method of fair and equitable reimbursement by local library district participants for service provided through said resource directory, and make recommendations to the 44th Legislature, Regular Session: PROVIDED FURTHER, That \$1,997,822 of this amount be in federal funds, of which \$260,733 is available for local capital construction grant purposes: PROVIDED FURTHER, That \$863,000 from the state appropriation from the 43rd Legislature, 1st extraordinary session, chapter 137, Laws of 1973 shall be returned to the state general fund and an appropriation contained herein of \$863,000 in federal funds shall be substituted in lieu of state funds in compliance with federal law \$3,125,903

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund - Capitol Building Construction Account Appropriation: For a proposal to dredge and modify water flow into and from Capitol Lake \$50,000

NEW SECTION. Sec. 49. FOR THE STATE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation: PROVIDED, That this appropriation shall be used to implement reorganization under chapter . . . , Laws of 1974 1st ex. sess. (ESHB No. 647) \$211,297

NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation for the purpose of uniform distribution of relief to local library districts for reductions resulting from SJR 1 and the 106% levy limitation for taxes due and payable in 1974 only: PROVIDED, That said distribution will be made on the basis of values utilized for taxing purposes by respective districts for the 1972 levy \$1,336,000

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation: PROVIDED, That the Department shall use the money appropriated herein only for the purpose of reimbursing the Pierce County Refund Fund for amounts not to exceed that required to be paid therefrom to the road districts, fire districts, rural library districts, and cities and towns of Pierce County by reason of the Washington State Supreme Court decision in Valentine v. Johnston, 83 Wash. 2d 390 (1974): PROVIDED FURTHER, That notwithstanding RCW 84.68.040, it is the intent of the legislature that no levy shall be made to recover any amount for which the fund has been reimbursed under this appropriation \$674,033

NEW SECTION. Sec. 52. FOR THE STATE TREASURER - TRANSFERS

General Fund Appropriation for transfer to the General Fund - Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1975 as required to meet obligations of the Economic Assistance Authority \$662,932

NEW SECTION. Sec. 53. FOR THE WASHINGTON STATE LEGISLATURE

General Fund Appropriation: PROVIDED, That an amount not to exceed \$75,000 shall be utilized by the Ways and Means Committees of the House and Senate to design a fiscal information and budget review system that will include providing the Ways and Means Committees of the House and Senate with sufficient analytical data on integrated and multiple organizations and programs so that responsive and more effective policy decisions can be made regarding the allocation and reallocation of limited program resources and the design shall be responsive to legislative intent to have a system that will clearly provide accountability at various program and organizational levels \$75,000

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation: PROVIDED, That the department shall grant the moneys contained within this appropriation to activated air pollution control authorities: PROVIDED FURTHER, That the moneys contained in this appropriation shall be exclusively from federal funds \$680,400

NEW SECTION. Sec. 55. FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That Central Washington State College explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies \$150,000

Sec. 56. Section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 49, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: *PROVIDED, That none of the increased funds shall be*

expended to increase the faculty staffing level over the current funded level which reflects the revised annual average enrollment for 1973-74 \$[24,618,515] \$24,801,750

General Fund Appropriation: for salary and related fringe benefit increases in addition to any other increases authorized by chapter 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel \$1,032,000

Sec. 57. Section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 48, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That Central Washington State College may expend an amount not to exceed \$125,000 to explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies: *PROVIDED FURTHER, That none of the increased funds shall be expended to increase the faculty staffing level over the current funded level which reflects the revised annual average enrollment for 1973-74* \$[21,655,934] \$21,857,169

General Fund Appropriation for salary and related fringe benefit increases in addition to any other increases authorized by chapter 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel \$850,876

Sec. 58. Section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 47, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: *PROVIDED, That none of the increased funds shall be expended to increase the faculty staffing level over the current funded level which reflects the revised annual average enrollment for 1973-74*: PROVIDED, That up to \$146,000 of this appropriation shall be made available for establishment and support of a Master of Social Work graduate program during the 1973-75 biennium \$[20,992,445] \$20,999,511

General Fund Appropriation for salary and related fringe benefit increases in addition to any other increases authorized by chapter 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel \$684,383

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation for distribution of federal funds received from Federal-State Disaster Assistance Agreement No. FDAA-414-DR for relief of flood and storm damages to public property as incurred in January 1974: PROVIDED, That this appropriation shall be entirely from federal funds \$4,000,000

NEW SECTION. Sec. 60. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation: To provide, to the School of Public Health and Community Medicine sufficient appropriations to implement a program of research and analysis of health care and health care programs in the State of Washington that will provide independent data to the legislative and administrative branches of state government necessary to the formulation of policies and the development of improved health care programs \$85,700

NEW SECTION. Sec. 61. FOR THE WASHINGTON STATE LEGISLATURE

General Fund Appropriation: PROVIDED, That this amount shall be used to fund a survey and those necessary activities, related to the survey, by a Select Committee of the House and Senate necessary to enable that Legislative Committee to make recommendations to the 44th Regular session of the Legislature concerning the feasibility of

converting the state-owned liquor operations to a privately-owned system, or to a system combining state and private ownership: PROVIDED FURTHER, That the analysis shall include evaluation of the economics and operating characteristics of the existing state-owned liquor operations and analysis of the economics and operating characteristics of a state-owned wholesaling system combined with privately-owned package stores and, privately-owned wholesaling combined with privately-owned package stores: PROVIDED, That such analysis shall include, in considering the feasibility of converting the existing system to an alternative system, consideration of the revenue impact on the various units of government receiving revenues from the existing system \$63,250

NEW SECTION. Sec. 62. FOR THE EASTERN WASHINGTON STATE COLLEGE

Eastern Washington State College Capital Projects Account: Appropriation for remodeling of
 Martin Hall \$35,000

NEW SECTION. Sec. 63. FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund -- State Higher Education Construction Account: Construct and equip a
 Fresh Water
 Research Laboratory \$260,000

NEW SECTION. Sec. 64. FOR THE WESTERN WASHINGTON STATE COLLEGE

General Fund -- State Higher Education Construction Account for finishing space in
 Environmental Sciences Building, remodeling space in Arts Building and for instructional
 equipment in technology and home
 economics department \$1,820,900

NEW SECTION. Sec. 65. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation for the final matching appropriation of the state's share of
 one-half the cost of the new
 wing addition \$111,000

Sec. 66. Section 52, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation for capital improvements required to certify schools for the
 retarded as skilled
 nursing homes \$650,000

[General Fund -- State and Local Improvement Revolving Account -- Social and Health
 Services Facilities: Appropriated pursuant to the provisions of chapter 138, Laws of
 1972 ex. sess., (Referendum 29), for social and health services facilities: The
 Department of Social and Health Services is authorized to obligate for purposes of
 carrying out the provisions of chapter 130, Laws of 1972 ex. sess., For Capital
 Improvements at the State Veterans' Home and the State Soldiers' Home required to
 meet state fire and
 safety standards \$2,000,000]

NEW SECTION. Sec. 67. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital improvements at the State Veterans' Home and the State Soldiers' Home
 From the General Fund \$1,800,000
 From the CEP&RI Account \$ 200,000

PROVIDED, That the CEP&RI Account shall reimburse the general fund in the amount of \$500,000 in the 1975-77 biennium: PROVIDED FURTHER, That the department obtain and utilize all federal funds available for such purposes and any such federal funds will replace an equal amount of state general funds.

NEW SECTION. Sec. 68. FOR THE EVERGREEN STATE COLLEGE

Construct and equip Communications Arts Building
 The Evergreen State College Capital
 Projects Account \$1,032,000

General Fund – State Higher Education

Construction Account \$5,720,180

NEW SECTION. Sec. 69. The State Board for Community College Education shall reallocate, among the 1973 capital projects approved by the legislature, funds which become available when bids are awarded in amounts less than the State Board authorization for purposes of offsetting increased costs of original project designs.

NEW SECTION. Sec. 70. It is the intention of the legislature that after January 1, 1975 no warrant issued by the state in payment of salary and wages or reimbursement of expenses paid state officials or employees shall contain any statement, representation, contract, or commitment that requires the payee to consent thereto as a condition of endorsement or receiving payment of such warrant.

NEW SECTION. Sec. 71. All acts of the Legislative Budget Committee and of the House and Senate Committees on Ways and Means in approving proposed expenditures from unanticipated receipts under subsections (2) and (3) of section 67, chapter 142, Laws of 1974 1st ex. sess. (uncodified) and in approving exceptions to subsection (1) of section 67, chapter 142, Laws of 1974 1st ex. sess. (uncodified) are hereby approved and ratified.

NEW SECTION. Sec. 72. If federal funds become available for use in capital improvements at the schools for the retarded, such federal funds will be used in lieu of state funds appropriated for that purpose in chapter 142, Laws of 1974 1st ex. sess.

NEW SECTION. Sec. 73. It is the intent of the legislature that to the extent any district received funds through the state apportionment formula in excess of the amount anticipated when such district established its excess levies for the 1975 collection which relieves special levy burdens, the local district should place a first priority on reducing such special levies.

NEW SECTION. Sec. 74. All personal services contracts except those which the director of the Office of Program Planning and Fiscal Management may exempt after consultation with the Legislative Budget Committee shall be filed with the Office of Program Planning and Fiscal Management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this 1974 amendatory act.

NEW SECTION. Sec. 75. In order to carry out the provisions of this 1974 amendatory act, the director of the Office of Program Planning and Fiscal Management with the approval of the governor, may:

(1) Allot all or any portion of the funds herein appropriated or included in this budget, to state executive agencies subject to allotment requirements for such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment. The aggregate of allotments shall not exceed the total of applicable appropriations, local funds available and unanticipated receipts approved for expenditure. It shall be unlawful for any officer or employee to incur obligations in excess of approval allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

NEW SECTION. Sec. 76. If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 77. This 1974 amendatory 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 strike the title and insert:

AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropri-

ations; amending section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 47, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 48, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 49, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 3, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 8, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 9, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 10, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 34, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 41, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 52, chapter 142, Laws of 1974 1st ex. sess. (uncodified); and declaring an emergency.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Durkan moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

Debate ensued.

MOTION

On motion of Senator Canfield, there being no objection, the following remarks were ordered entered in the Journal:

POINT OF INQUIRY

Senator Canfield: “Will Senator Durkan yield? Senator, you will remember in the bill which we prepared in your committee we have the twenty-five million dollar appropriation for the Superintendent of Public Instruction for special levy relief. And in discussing this matter with Senators Donohue and Odegaard this morning I found a copy of the other bill to which you referred, to modify this and allocate part of this, not to the pupils but to health programs for the teachers, and the balance to be applied in a rather obscure wordage here which I do not entirely comprehend. But I talked to Senator Donohue and to Senator Odegaard this morning and I would like to have your answer to this and I would like to have your answer recorded in the record. Does the amendment in the House or does this bill in any way take away from the small cost districts the money which we intended to allocate to them in the Senate version and in the House version on this blue bill before us?”

Senator Durkan: “Will you ask me that question again?”

Senator Canfield: “In the House version, Senator, you will notice that even the low cost districts such as Senator Donohue’s district in Dayton and my district in Sunnyside are what you might call low cost districts, and these low cost districts, even though they did not have special levies, would be entitled to this allocation of funds, to their share of it. And I want to be assured that it is your intent and the intent of the House and the intent of this amendment to 3220 that that money will still go to these low cost districts.”

Senator Durkan: “The answer is in the blue – the House amendment – the answer is it does not meet the intent of the legislature as I understood it to give, as I understood the House’s proposal, when they put the twenty-five million dollars in that they were going to give that money and then permit the negotiations either for the insurance premium benefit or for, as you said, to the low cost districts, that the money would go there, but when you read the proviso and I read it and I am sure that most of the other people who read it would agree that the proviso in no way then permitted that the insurance premiums would be paid to the members of the K-12 program. As a result of that we have redrafted that, the amendment that you have before you, and that will be on the desks, which we will handle next to do exactly as you ask. The amendment which will go after the budget bill, if we concur with the House, special levy relief will go to those who have passed special levies. It

will go to those who have attempted but did not pass special levies. It will go to those who did not attempt special levies but who are below the statewide average. The amendment will also provide that there will not be any relief to those who did not attempt special levies but who are above the statewide average."

Senator Canfield: "The last part of your statement, Senator, is the answer to my question, and, Mr. President, I ask that his reply to that particular question be entered in the Journal."

Further debate ensued.

POINT OF INQUIRY

Senator Washington: "Will Senator Dore yield to a question? As I understand, we could vote 'yes' on the appropriation bill and then vote 'no' on the inventory tax bill. The result would be then that there would be some additional money which would be left over which would be available in the general fund for other purposes. Am I correct in that assumption?"

Senator Dore: "That would be technically correct, Senator, but if this bill passes I think it would be highly unlikely."

POINT OF INQUIRY

Senator Woody: "Would Senator Durkan yield? Senator Durkan, the appropriation to the Pierce County refund fund resulting from the Valentine case, is it the legislative intent that all of the funds should go to the refund fund and then from Pierce County refund fund to the affected landowners and none of it to attorneys' fees?"

Senator Durkan: "Mr. President and members of the Senate and Senator Woody, it was not the intention that any funds appropriated by the Senate for the Valentine decision, and I would believe that the House is of the same mind, would be used for attorneys' fees."

Debate ensued.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President and members of the Senate, Senator Atwood raised the question here which I think demands a little comment. The fact that we are probably building ourselves into some kind of a tax increase in January. I think that if there is one benefit to come from this short session of the Senate and the House it is the fact that the mini-session is not the great success we hoped it would be and it maybe will be the last one. And I hope that we will go into some annual sessions in January, instead of continuing this exercise in spending money in futility, because what we are doing is coming down here every three months, we are picking up the budget, and picking up anything that is extra and we are spending it right up to the last nickel. That we are ending up in a disaster come next January there is no doubt in my mind. We have done nothing more than place ourselves at the jeopardy of the Governor who proposes a lot of things that are good for everybody and I think prays that we never pass them. We have certainly laid ourselves into a trap this time. I hope that we look at an annual sessions bill before we get out of here and submit something to the people that brings back some continuity, if you please, or at least a sense of balance of the legislative branch. I think this is a big mistake and I think we are really heading for disaster. I support Senator Durkan's budget, but I hope this is the last one of these short little sessions unless there is a real emergency."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Durkan yield to a question? Senator Durkan, at the last session the Senate passed a floor resolution asking the Governor not to waste the six hundred thousand dollars on remodeling the executive mansion and destroying the historical appearance of it. In addition to that, I understand they are going to propose now to spend twelve thousand additional remodeling some old house over here that they have already sold. Is there anything in this budget related to that subject?"

Senator Durkan: "Senator, as of September, 1972, I lost interest."

Senator Rasmussen: "Thank you, Senator. That does not answer the question entirely."

Senator Durkan: "No, there is not."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President and gentlemen of the Senate, we seem to have turned this from a discussion of the budget into a discussion of mini-sessions and many other things. First of all, it is not — I think it is quite apparent to all of us that we do not get our way. No one down here gets his way completely. The system is built upon compromise. We give and we take. I originally proposed that we put this money into the retirement funds and that way we would have no impact with a surplus fund on the next biennium. But there was not too much support for that position and we give and take and we try to arrive at a consensus. And we condemn the mini-session because it produces budgets. And we talk about politics and I hear the same people now condemning it and they were the ones back in the caucus who were saying, 'Is that political?' Is that political, Senator Greive? 'We can't go for that because it will not have any real effect this time.' Well, the fault is not the system's, my friends. The fault is our own. Ours. We fail to face up to the problem. We fail because we have a desire for reelection that overwhelms good judgment."

Further debate ensued.

Senator Grant demanded a roll call and the demand was sustained by Senators Greive, Woody, Ridder, Scott, Bailey, Canfield, Atwood, Van Hollebeke and Metcalf.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Durkan that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

ROLL CALL

The Secretary called the roll on the motion by Senator Durkan that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3253, and the motion failed by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Durkan, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Stortini, Talley, Walgren, Washington—21.

Voting nay: Senators Atwood, Beck, Canfield, Clarke, Dore, Fleming, Francis, Grant, Greive, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Ted), Ridder, Scott, Sellar, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Whetzel, Woodall, Woody—27.

Excused: Senator Newschwander—1.

The motion by Senator Durkan failed and the Senate failed to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lewis (Harry) moved that the Senate reconsider the vote by which the Senate failed to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

Debate ensued.

MOTION

On motion of Senator Lewis (Harry), the Senate was declared to be at ease. The President called the Senate to order at 3:50 p.m.

MOTION

On motion of Senator Lewis (Harry), the motion for reconsideration on the failure of the Senate to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253 was made a special order of business for 4:30 p.m. today.

MOTION

On motion of Senator Durkan, Engrossed Substitute House Bill No. 1185, making revision to the timber taxation laws, was made a special order of business for 5:00 p.m. today.

MOTION

On motion of Senator Mardesich, the Senate returned to the second order of business.

REPORT OF CONFERENCE COMMITTEE

April 22, 1974.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 3145, permitting the establishment of satellite banking facilities, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

On page 1, line 20, after "branch" and before the period insert ": PROVIDED FURTHER, That in considering any application for authority to open a new branch or to establish a new financial institution, the supervisor shall disregard the existence of facilities established pursuant to this act in determining whether there is reasonable promise of adequate support for the new branch or proposed new financial institution".

An emergency clause will also be added.

All House amendments are to be stricken.

Signed by: Senators Dore, Clarke and Mardesich; Representatives Pardini and Ceccarelli.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION ON TIME LIMITATION

On motion of Senator Bailey, the Senate imposed a three minute rule on debate, subject to no yields and only one speech per member on any given amendment or motion.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 29.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on Commerce (originally sponsored by Representatives Gallagher and Conner):

Providing for a state lottery.

The bill was read the second time by sections.

On motion of Senator Rasmussen, Engrossed Substitute House Bill No. 29 was

advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Atwood: "Is there a requirement on this particular bill with the referendum that it receive a sixty percent majority vote of the body?"

REMARKS BY SENATOR BAILEY

Senator Bailey: "I had an Attorney General's opinion on that and I would have to go look it up, but it seemed to me like it required only a majority vote, that the people would have to pass it by a sixty percent vote."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Would Senator Stortini yield please? There are a number of ways to take surveys and I happen to indulge in that in my business somewhat and I wonder if the people who answered that survey had, when answering it, the knowledge that only forty-five percent of the money that comes in would be paid back in prizes? Was that information clear to the people who were responding?"

Senator Stortini: "I have not seen other surveys but I think almost every legislator on the floor has had a survey in regards to lotteries. No, Senator, I have not seen any survey that states that fifteen percent will go to administration, forty-five percent in prizes, and the other forty percent in the general fund, no."

Senator Lewis (R. H. "Bob"): "I personally do not have any objection to a lottery but I am afraid this is a little bit, well, if you will pardon the expression, the words that come to mind is that it is quite a con game when you only have a forty-five out of one hundred chance of winning and I think those are pretty long odds and I really think we are kind of fooling somebody."

Further debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Senator Atwood, would you yield? I think you know I did not mean any reference to you. I hold you in very high regard and I know you are not a bluenose, but don't you think that the executive department of the state of Washington is capable of running a lottery in an efficient way and a just way so that the people can have what they want and not make it a rip-off?"

Senator Atwood: "I am not sure you asked me a question, but I will try to respond to it. Historically the only reason that we have had that thing in the Constitution was because of what happened down south when they used to have state lotteries. And about ten years from now when we have the lottery and that law, we are going to have scandals in it. And I hope I am alive. But in any event, the Department of Revenue or the Department of Motor Vehicles, whoever is running it, I am sure is capable but human beings being what they are, you are going to have somebody, somebody see all that money and it is going to be diverted for private gain.

"The other question you asked me about the adequacy of it . . . sure, the state can run a lottery but we have come full circle from 1889 and when Senate Joint Resolution No. 5 was on the ballot, and incidentally, I was a sponsor of that along with Senator Walgren, and it was not intended, although some of the people thought it was, that we were going to come with a state lottery. It was never my intention that we come with a state lottery. It was only to do what we had been doing all along up until 1963, and that was to get rid of the tolerance policy in communities, to allow them to license card rooms, etc., but not to run a state-run lottery. That is all it was designed to do, because of the Supreme Court holdings that the lottery provision in the Constitution prevented the cities and counties from licensing those activities. Bingo, for example. That is all it was for. It was not trying to

sell the people on a state-run lottery. And I object to people saying that they thought they voted for the lottery because it was never intended for that.”

Further debate ensued.

REPLY BY THE PRESIDENT

The President: “In reply to your inquiry, Senator Atwood, a constitutional majority of the members elected, a minimum of twenty-five votes, will pass the bill.”

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 29, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jones, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Woodall, Woody—32.

Voting nay: Senators Atwood, Canfield, Clarke, Durkan, Guess, Jolly, Lewis (Harry), Lewis (R. H. “Bob”), Matson, Metcalf, Murray, Peterson (Ted), Sellar, Wanamaker, Washington, Whetzel—16.

Excused: Senator Newschwander—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Greive, Twigg, Van Hollebeke and Canfield to escort Senator and Mrs. Frank T. Connor to a place of honor upon the rostrum.

MOTIONS

On motion of Senator Van Hollebeke, all members were permitted as additional sponsors to Senate Resolution 1974-266.

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

SENATE RESOLUTION 1974-266

By Lieutenant Governor John A. Cherberg; Senators Van Hollebeke, Greive, Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall and Woody.

WHEREAS, Frank T. Connor, the respected and distinguished senator from the Thirty-third Legislative District has served the citizens of the state of Washington loyally in the legislature since 1951 as a member of the House of Representatives and as a State Senator; and

WHEREAS, Frank has been performing his legislative duties in an exemplary manner for the benefit of King County as Chairman of the Senate Committees on Liquor Control, Labor, Cities, Towns and Counties and as a strong and able member of the Senate Committee on Rules; and

WHEREAS, Frank, a native of Seattle, has brought honor and credit to O’Dea High School from which he graduated; and

WHEREAS, Frank’s constant and vigilant concern for the “little guy” has earned him the title “Champion of the People”; and

WHEREAS, Frank has been throughout his career an inspiring community leader,

having been a church leader at St. Mary's Church in Seattle, and a monument of stability in the activities of the Knights of Columbus and St. Vincent de Paul organizations; and

WHEREAS, Frank was an outstanding baseball player, and his leadership qualities resulted in his becoming an equally outstanding professional umpire at the conclusion of his playing career;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington does hereby honor Frank T. Connor for his long, continuous legislative service as a Democratic legislator; and

BE IT FURTHER RESOLVED, That Senator Connor always carries with him the sincere appreciation and respect of the members of this Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to have this resolution suitably subscribed and presented to Senator Frank T. Connor.

REMARKS BY SENATOR GREIVE

Senator Greive: "I really did not expect to be up here when it came time to make the speech. You know Frank, unlike most of the rest of us, grew up in the sport field. His claim to fame as a youth was playing ball. He played on the O'Dea team where he was not only catcher, but he was pitcher. He went on from O'Dea to play semipro ball and to manage various ball teams for the Teamsters and for the Boilermakers in the Rainier district and eventually he became an umpire, and until he entered politics or maybe at the same time he was entering politics, ball was his game.

"I remember talking to Frank years ago and when he first came to the Senate and he said something I think is rather apropos. He said, 'You know I am a ballplayer and I understand my position.' He said, 'I am not one of those backfield types and I am not one of the fancy hitters.' He said, 'I played catcher and I stood behind the plate and I kind of took a secondary position.' He said, 'That is what I am going to play here.' But he said, 'You bet your sweet life I am a Democrat's Democrat and when you need a vote, you have got one.' I think the greatest thing we can say for Frank is that over the years he has carried to a perfection — I do not think there is one person in this body who can say that when it comes to a labor issue, a Democratic issue, that Frank has not been fair. He has never tried to grab the spotlight. His position has been that he is a ballplayer, that he knew what his position was, and like he told me in the very beginning, the thing he wanted to do was be the best ballplayer in that position there was around. And he was not looking to play in somebody else's position.

"Now I realize for us extroverts, let us face it, I am one and so is virtually every other member of this body, that is not our attitude. Pretty near all of us come down here with great visions of United States Senate or President or Governor and all that sort of thing. Very few make it, but we all talk about it and think about it, dream about it. Not Frank. Frank knew what he was; he knew where he played; he played it well, and I do not think anybody in this body can say that he ever broke his word, that he ever gave anyone a hard time, but nobody ever saw Frank back down when he made up his mind."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "Mr. President and members of the Senate, I would first like to respectfully suggest that your name and the names of all the members of the Senate be added to this resolution."

REPLY BY THE PRESIDENT

The President: "Thank you very much. The President is sure that everyone joins in having their names added as sponsors to the resolution."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "There is only one trouble when you are trying to make

tribute to a great man and then you follow another person who knows how to say things and put it in its best perspective much better than you. It is very difficult to say anything that will add and very difficult to avoid saying anything that will detract. If you will look at some of the names of the organizations on that resolution and know what they stand for; St. Vincent de Paul, helping poor people, organizations like that, you will know the real Frank. It is possible and I think it is true that I have known Frank Connor longer than anybody here today. And I have known how he has always been trying to help little people, as he would say, but big people too when big people needed help. Poor people when poor people needed help. Finding a job for some kid in a family that needed it most. A food basket for somebody who needed food badly. That is the kind of Senator, that is the kind of man I have known for thirty-one years. We wish you both the very best."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I am not very good at these eulogies or whatever you want to call them, but I want to recall that I came to the legislature with Frank Connor in 1951. He and I were bachelors then and we got around a little bit at night. We used to try to crash his Senator's parties, Senator Rosellini, and we usually got evicted about every time we went to one. Frank has one quality I think if we had more of we would not have half the trouble we have now and that is, over the years I have never known Frank Connor to break his word. Once he gave his word you never had to go back and ask him again. He kept his word. He would fight everybody for keeping it. And if we had the loyalty that Frank Connor has in his character, if we had that loyalty in everybody, we would not have any trouble in the legislative halls or in the state of Washington today."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President and members of the Senate, those of us over here, Frank, really love you. We really do, and I think, speaking for myself and I am sure the members of the Senate will join with me in what I want to say — the attributes that you have, I guess, honesty and straightness, your unassuming attitude and your kindness are certainly obvious to all of us and have been. But I think the sensitive qualities of your personality and your understanding, these things of deep value to you that you express to us, to me, to all the members of the staff, these sensitive values which many of us sometimes tend to forget in toughness in trying to pass legislation, in meeting the pressures that we have to in the Senate and in our districts, yet these qualities that you have had you have shown that deep sensitivity and understanding of the real human values. Those things that have the greatest worth are the things that I will always remember about you and we will all miss you, Frank."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President and members of the Senate, I am going to miss the closest thing you can really have as a seatmate. Frank has sat right behind me for quite a few sessions, and I have learned to rely a great deal on Frank. We talk back and forth. And I have come to find that many of us, I think, anguish over a number of votes. I think we maybe have a few ulcers. We have problems with votes. But I think Frank probably has less problems than most of us do. I think he makes up his mind. I think he decides what is right and knows what he is going to do, and I just have that feeling that he does not have the butterflies in his stomach that many of us have on tough votes. I think he finds it just real easy to make those tough votes. And it is that kind of a feeling, again I know I am going to miss that kind of solid reassurance of that seat behind me. And I have, on the Democratic side, among members from Seattle made many friends but with none of them have I felt quite the same closeness that I have with Frank. And for that reason it is perhaps the only time I really ever went out and doorbelled was in Frank's last campaign. And I did. I enjoyed it. I found out a lot about that district that he is in and I found out why the people in that district have such a feeling of regard for Frank. It was a real experience for me, but most of all I am going to miss him sitting behind me on the Senate floor. And again, as has

been said before, oratory is not Frank's strong suit, but those of us in the Democratic caucus, many times when we needed a strong rudder, when we needed to kind of be brought into line, when maybe some of us prima donnas, as Senator Greive pointed out, needed to be brought in line, it was Frank who usually did it. And we are going to miss that, we in the Democratic caucus and as a result, you are all going to miss it on the floor. We are going to miss you a lot, Frank."

REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President and members of the Senate, I would just like to say to Senator Connor, thank you. You have permitted me, an upstart freshman Senator, to come over from the House and given me great liberties in the Senate Labor Committee, and I appreciate that and I know I have not always made it easy for you. I appreciate that, Frank. I have known Arlene longer than Frank. I graduated from high school with her brother. I came from North Bend, a little one stoplight town up by the Pass there, you know. We thought that was really something when a hometown girl married a state Senator. We think that Arlene is just terrific."

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President, Mrs. Connor, Frank, and ladies and gentlemen, it is hard to sit and keep quiet when you think you are in your second home. And the Senate is like a second home to me and I have seen a good many Senators come and go and a good many House members come and go. I came to the House four years before Frank Connor and served with Frank in the House two years and then came over to the Senate. Frank, you carried a lot of weight in the House and you have carried a lot of weight in the Senate. You have always been present on roll calls. I noticed Frank is always faithful to his duties as a state Senator. We have always enjoyed Frank's Irish wit. Always friendly, always laughing, always a fine person. And in closing, like I said yesterday, it is a tragic time in America when so many people say so few good things about a politician. And in the last two days we in Washington State have paid tribute to three men who have been a credit to their profession, a credit to their state and to their nation. We in the state Senate have been most fortunate in having served with men like Damon Canfield and Bob Twigg and Frank Connor. And so in closing I would like to wish Frank and Mrs. Connor a very happy and well earned retirement."

REMARKS BY SENATOR DORE

Senator Dore: "Mr. President and members of the Senate, Arlene and Frank, I would not want the record to close without saying a few words about Frank. I feel somewhat about Frank like perhaps Perry Woodall felt about Senator Twigg in his eloquent address the other day. I knew Frank for the first time in the state House. I had heard about him. He was a great O'Dea star in prior days than I was there, and I met him for the first time here when John O'Brien was seeking the Speaker's contest. I remember Frank saying - I was kind of dubious about John - but Frank said, 'Well, he came from O'Dea. You have to vote for him. There is no other way.' So I was kind of locked in on that particular vote.

"Now a lot of you gentlemen have presented a different phase of Frank's life. You have said he is honest. He never waivers. He speaks for the little fellows and so on. We all know that. But what you probably do not know is, a lot of people think Al Rosellini has more friends, more personal friends, than anyone in the state. I have heard it again and again as I have campaigned twice statewide. Well, I think there is one man who has more personal friends, has affected more lives in this state, and that is Frank Connor, because I find out he goes to funerals, he goes to weddings, he collects food, he takes care of the people, little things that the rest of us are a little too high and mighty perhaps to do or we consider it too demeaning. Frank does. And he has done it for years and years. And he is a champ as a politician. He has never been defeated. How many on the floor here can say that? I cannot.

of course. I would have to stand at the back of the line probably. I am more experienced at that, so I know the other side of the coin, too.

"Frank is always optimistic. He is always helpful. And he is a great organizer. How many of you know that? In campaigns, he knows how to organize, to get people working, to use psychology, to get people motivated, to think 'We have just got to win.' They cannot lose. Terrible things are going to happen. He is a real salesman.

"Now Frank is not leaving, he is just terminating here to go on to probably far more interesting and effective work than before. I know he is out getting land for King County now to help the kids, to have parks and so on. And he is going to use that experience that he has. And we have made a lot of eulogies by a lot of great Senators, Senator Twigg and Senator Canfield the other day and now Frank, and perhaps a greater number of others will join us. And maybe the three men, this will probably be the last one, hopefully today, hopefully for this session. But I think the three men that we have spoken about are symbolic of the high type of honest, sincere and effective legislators we have had. And Frank Connor, through his twenty-four or five years has played an effective role in passing effective legislation for the benefit of the people not only of his district but of the entire state.

"In closing I would like to say this. We are having a little party for Frank at six o'clock down at the Brown Derby, the second floor, and all of you gentlemen on the floor are invited. We hope you attend, as well as the press and we want to further pay tribute to him, Frank, in the spirit of the true Irishman that he is and we want to pay tribute to you and Arlene. And, Arlene, you have been a great wonderful person, a partner of Frank's and we wish you and Frank well in leaving the Senate. Thank you."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President and lady and gentlemen of the Senate and Senator Frank and your lovely wife, we all know Senator Frank is a man of few words and one thing I think that you have all been trying to say and I think I can say it in very few words and that is that Senator Frank is one of the few people on this floor who truly lives and believes that faith in God gives meaning and purpose to human life and that service to humanity is the best work of life and that is what Senator Frank has done for me. He exemplifies that particular creed."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate, I think I would be somewhat derelict if I did not rise and say a few words about Senator Connor. Senator, we are going to miss you. And the kind words that people have said here today have been most deserved. I hope that the words that I might have to say, in view of the fact that you only stay two or three blocks from me — you will not misunderstand these words that I am not trying to get rid of you but it is because I am so fond of you. But in all sincerity, you are a very kind man. The little time that I have known you I have really enjoyed and appreciated the conversations we had and in sincerity in which you have communicated with me. If there was ever such a thing as a sure vote on this floor, then I would have to look in your direction if the bill or the subject matter was concerning the needy, the disadvantaged and so forth, because of your strong convictions. And we are going to miss you and we wish you the best of luck."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, Frank Atwood stole my speech. I just believe that the finest thing you can say about Frank Connor is that he lives the creed that he speaks about and professes, and I think that is about the finest thing you can say about any human being. Frank has served on my committees, both the present one and previous ones. He has been a man that I could depend on not only to be there, but to stand there and be on the side of a tough issue when that was necessary. And that is appreciated. I have to top Gary Grant. I

think I knew Arlene before he did. In fact, this will really surprise you, but Arlene and I used to sing in the choir together when my mother played the organ and led the choir and I want to tell you that she was a beautiful girl in those days and, Frank, you made a wonderful choice and so did she, and the best to both of you."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Mr. President, Senator Connor and Mrs. Connor, I think just about everything has been said. I had the occasion to serve on the Liquor Committee when he was chairman of it. We had a tough decision to make concerning a confirmation. It was made upon the best judgment that we collectively thought was the right thing to do, difficult though it was. When I think of Frank Connor, I think of cheerfulness. I do not think I have ever seen him in an ugly mood. He always has a smile and a greeting in the morning and as I say, that is the memory that I carry about him more than perhaps anything else. Good luck to both of you."

REMARKS BY SENATOR TED PETERSON

Senator Peterson (Ted): "Mr. President and members of the Senate, well I have to get up again, Frank. I feel kind of puffed up when I hear someone make good comments about an old friend. Out in the Ballard way I had a baseball team. I was on that team and we would be across the town and all over the place and we played on all the sandlots and I just wanted to say to you, Frank, that I just could not miss the opportunity of getting up and telling you that it would be wonderful if many of your old friends, Bobby Morris and Beaner Walby and, yes, the good Governor here and all the rest of the boys could be sitting here listening to these accolades that they have given you. I would like to be out in the outfield, Frank, and have you up there in that long ball hitting again and catch one of those from you, and then I can see him with that mask on right behind the catcher, and brother, did he call it. Maybe he called them too strong sometimes and I thought, oh brother, this guy, but he really could. He would call them as they should be and as they were and, Frank, that is just the way you called them here. He has called a couple of shots on me politically too, and once in awhile he gives me that long needle and he says, 'You remember way back what you had to say about' - well, I will not mention the name of the Senator and I said 'yes' and he said, 'Well, he took care of you, didn't he?' And so on. Well, the needling was fun and I just appreciated knowing Frank and knowing what he stands for and his participation here has been wonderful and just to know you, Frank, and your good lady has been something to me."

REMARKS BY SENATOR CONNOR

Senator Connor: "Mr. President and members of the Senate, after serving here in the Senate and the House for twenty-four years it is a long, long time, but I greatly appreciate the honor you are showing me here today. Both Arlene and myself greatly appreciate it. Thank you very, very much."

REMARKS BY THE PRESIDENT

The President: "Members of the Senate, ladies and gentlemen, I believe I have followed Frank Connor's career ever since he was in O'Dea High. Arlene, the members of the Senate and the President and the staff are practical men. We thought that you would much rather have a dozen beautiful American Beauty roses delivered to your home tomorrow so that you can remember this occasion in that manner also. But I was going to say that some of you may not know that Frank, even though it was attested to in the resolution, was a tremendous baseball player. He even worked out and tried out with the Los Angeles Angels of the Old Pacific Coast League and was sure to hook on with them but unfortunately hurt his arm and could not throw any more. But Senator Woodall, I have never seen Senator Connor in an ugly mood either, but please do not be on the receiving end of one of his

famous right crosses. Frank, when he no longer played baseball, did umpire with great success and for many years worked the state semipro tournaments with great success. Senator Peterson mentioned about some umpires, oh, there are three kinds really, aren't there, Pete? Some say, 'I calls them as I sees them.' Another umpire says, 'I calls them as they is.' But in Frank Connor's case, 'They ain't nothin' 'til Frank Connor calls them.'

"One other thing about Frank. Frank has not given up on baseball either. Frank is the driving force of the annual old time baseball players' game that is held Christmas Day each year. And Senator Dore mentioned about Frank being an organizer. Frank put that deal together entirely on his own but gave the credit to a number of other people, including me, but it was Frank Connor who did it all the way. And of course Arlene was not far behind helping out. We are very, very grateful to you both, Arlene and Frank, and Betty and I were certainly more than honored and proud to be invited to their wedding in 1958."

Following is a letter read to the members of the Senate regarding Senator Frank T. Connor:

WEST SEATTLE POST NO. 160
THE AMERICAN LEGION
Seattle, Washington

TO SENATOR FRANK CONNOR:

On behalf of Bill Brader, Department Commander of the American Legion, State of Washington, I would like to present to you this award for your many years of help to the Veterans of the State of Washington. I know that you are not a Veteran, but have at all times had their welfare in your heart. You have indicated to us that you are most interested that a Veterans Affairs Department be established so that one department could look after their needs. You have been most gracious in giving of your time and giving of your office to our needs. We are therefore presenting to you this award of appreciation and may you have many successful years in your retirement.

JOHN F. STEPICH, Legislative Representative
American Legion, State of Washington.

The special committee escorted Senator Connor to his seat in the Senate Chamber and Mrs. Connor was escorted from the Senate Chamber. The committee was discharged.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 670.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 670, by Committee on Transportation and Utilities (originally sponsored by Representatives Nelson, Gilleland, Charnley and Beck):

Authorizing and funding for public transportation systems.

REPORT OF STANDING COMMITTEE

April 19, 1974.

SUBSTITUTE HOUSE BILL NO. 670, authorizing and funding for public transportation systems (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause strike the remainder of the bill and insert the following:

"NEW SECTION. Section 1. Any county may after adoption of the plan provided for in section 3 of this 1974 amendatory act construct, maintain, and operate a public transportation system. For the purpose of this section, a public transportation system means

any system consisting of publicly owned, leased, or operated equipment, buildings, land, terminals, parking facilities, vehicles of any kind, and any other means of transportation, including ferries, used for the primary purpose of carrying passengers and packages: PROVIDED, That no county shall operate a charter service or a public transportation system in territory served by a common carrier regulated by the Washington utilities and transportation commission. After adoption of the plan provided for in section 3 of this 1974 amendatory act the county is authorized to:

(1) Purchase, maintain, operate, or lease automobiles, buses, auto trucks, or any other vehicle for the purpose of carrying passengers and packages.

(2) Regulate and control the operation of vehicles or other agencies of transportation used as part of the public transportation system: PROVIDED, That the county shall not have the authority to regulate common carriers subject to regulation by the Washington utilities and transportation commission.

(3) Acquire and maintain parking and terminal facilities, maintenance buildings, and other property necessary to operate a public transportation system.

(4) Fix, alter, and regulate rates to be charged for use of the public transportation system.

(5) Hire, supervise, and control drivers, maintenance men, administrators, and other personnel needed to operate the public transportation system.

(6) Enter into any agreement with a public or private agency for the purposes of providing public transportation.

(7) Seek and accept available local, state, or federal funds.

(8) Use for public transportation purposes (together with the funds available pursuant to sections 2 and 3 of this 1974 amendatory act) the proceeds of any tax or fee authorized by law, to the extent that such proceeds are not restricted by law to other purposes.

(9) Engage in or enter into any activity or agreement the governing body of the county deems necessary for the operation of a public transportation system.

NEW SECTION. Sec. 2. Upon adoption of a resolution by the county legislative authority, there shall be created a county advisory council on public transportation, which shall be composed as follows:

(1) The elected county executive, if such position exists;

(2) The members of the county legislative authority;

(3) One member from each component city which shall have a population of fifteen thousand or more persons, who shall be the mayor of such city, if such city shall have the mayor-council form of government, and in other cities who shall be selected by, and from, the mayor and city council of each of such cities or his designee;

(4) One additional member selected by the city council of each component city containing a population of fifteen thousand or more for each fifty thousand population over and above the first fifteen thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other officers of such city;

(5) One member representing each fifteen thousand persons from the total population of all component cities which have less than fifteen thousand population each to be selected by the mayors of such smaller cities.

The county advisory council on public transportation shall prepare and recommend a plan for public transportation, and modification to the plan, to the county legislative authority.

NEW SECTION. Sec. 3. Each county authorized to perform the transportation function shall, prior to performing said function, adopt a plan for public transportation. Such plan shall conform to the plan requirements of any federal law or regulation, compliance with which is required for federal public transportation assistance. Such plan shall be a general comprehensive plan designed to best serve the residents of the entire county, and shall designate the public transportation service area. Such plan shall be prepared and recommended by the county advisory council on public transportation and shall be adopted or rejected and not modified by the county legislative authority. The county legislative authority may adopt as its plan an existing public transportation plan if recommended by the advisory council.

From time to time, the county legislative authority may modify such adopted plan if such modifications are recommended by the county advisory council on public transportation.

Sec. 4. Section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020 are each amended to read as follows:

The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city of the first, second or third class in the state, [or] any metropolitan municipal corporation created pursuant to RCW 35.58.010, et. seq., *or any county authorized pursuant to section 1 of this 1974 amendatory act to perform the transportation function.*

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

Sec. 5. Section 5, chapter 111, Laws of 1965 ex. sess. as amended by section 66, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.050 are each amended to read as follows:

The tax levied under the provisions of RCW 35.95.040 shall be billed and collected at such times and in the manner fixed and determined by the corporate authorities in an ordinance levying the tax: PROVIDED, That the tax shall be designated and identified as a tax to be used solely for the operation, maintenance, and capital needs of the municipally owned or leased and municipally operated public transit system; AND PROVIDED FURTHER, That the corporate authorities may in connection with municipally owned or leased transit systems enter into contracts covering the operation and maintenance of such systems, including the employment of personnel; and: *PROVIDED FURTHER, That the tax levied by a county shall only be levied in the unincorporated area of such county so designated as the transportation service area on the county transportation plan.*

Sec. 6. Section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045 are each amended to read as follows:

The [governing body upon written request by the mayor or other executive officer of any city within a class AA county, a class AA county or any metropolitan municipal corporation within a class AA county] *legislative authority of any city, town, or county which has adopted a county transportation plan pursuant to section 3 of this 1974 amendatory act, or metropolitan municipal corporation within a class AA county,* while not required by legislative mandate to do so, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform, *in the case of a metropolitan municipal corporation, the function of metropolitan public transportation pursuant to chapter 35.58 RCW, and in the case of a city, town, or county, the function of providing a public transportation system pursuant to RCW 35.92.060 and section 1 of this 1974 amendatory act, respectively,* and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter to be effective on or after July 1, 1972 [: PROVIDED, That during the fiscal year ending June 30, 1973, no more than three million dollars of the sales and use tax levied and collected pursuant to this 1971 amendatory act may be used as qualifying matching funds to authorize a levy of motor vehicle excise taxes during such fiscal year pursuant to chapter 255, 1st ex. sess., Laws of 1969]. Such tax shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, *town,* county or

metropolitan municipal corporations as the case may be. The rate of such tax imposed by such city, town, county or metropolitan municipal corporation shall be three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax): PROVIDED, HOWEVER, That in the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no [city or] county wholly or partly within such metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter but nothing herein shall prevent such [city or] county from imposing sales and use taxes pursuant to any other authorization: PROVIDED FURTHER, That in the event a metropolitan municipal corporation or county shall impose a sales and use tax pursuant to this [1971 amendatory act] *section and RCW 82.14.050 and 82.14.060 as now or hereafter amended, the county or metropolitan municipal corporation tax ordinance shall contain a provision allowing a credit against the county or metropolitan municipal corporation tax for the full amount of any city tax imposed pursuant to this section. However, no city within such county or wholly or partly within such metropolitan municipal corporation shall impose a sales and use tax pursuant to this section or an excise tax pursuant to RCW 35.95.040: PROVIDED, FURTHER, That all such proceeds from the tax herein authorized which shall be used for purposes other than public mass transportation shall not qualify for state matching funds pursuant to the provisions of RCW 35.58.2793. Nothing contained in this section shall prevent cities or towns from imposing sales and use taxes pursuant to any other authorization: PROVIDED FURTHER, That no city, town or county may issue general obligation bonds after the effective date of this 1974 amendatory act which are secured by or payable from state levied, collected, and shared revenues.*

NEW SECTION. Sec. 7. There is added to chapter 82.14 RCW a new section to read as follows:

If the tax provided for in section 6 of this 1974 amendatory act is imposed by the county the proceeds of such tax shall be allocated and utilized in the following manner.

Annually the office of program planning and fiscal management shall determine the population residing within and without the unincorporated portions of the transportation service area as specified in the plan adopted pursuant to section 3 of this 1974 amendatory act. The office of program planning and fiscal management shall annually determine the population of the cities and towns within and without the transportation service area. The office of program planning and fiscal management shall annually report those populations to those counties which have adopted the plan provided for in section 3 of this 1974 amendatory act by February 1st of each year. The county legislative authority shall bimonthly allocate the proceeds of the tax authorized in section 6 of this 1974 amendatory act as follows:

(1) An amount proportionate to the percentage of the total county population residing within incorporated areas within the transit service area shall be allocated to each of those cities and towns in proportion to the populations which each of the cities and towns bears in relation to the total incorporated population within the transit service area. Such funds are to be allocated by each city and town for the provision of public transportation services.

(2) An amount proportionate to the percentage of the total county population residing within cities and towns outside of the transit service area and shall be allocated to each of those cities and towns in proportion to the population which each individual city or town bears in relation to the total incorporated population outside of the transit service area. Such funds are to be used for either public transportation or street and road purposes.

(3) The remaining amount shall be allocated to the county current expense fund and shall be appropriated for public transportation and street and road purposes: PROVIDED, That the proportion allocated for public transportation may not be less than the proportion of the unincorporated population residing within the transit service area: PROVIDED FURTHER, That the remaining amount shall be expended for streets and roads in nontransit service areas.

NEW SECTION. Sec. 8. There is added to Title 36 RCW a new chapter to read as set forth in sections 1 through 3 of this 1974 amendatory act."

On page 1, in line 1 of the title, after "transportation;" strike the remainder of the title and insert the following:

"amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; amending section 5, chapter 111, Laws of 1965 ex. sess. as amended by section 66, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.050; amending section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 36 RCW."

Signed by: Senators Walgren, Chairman; Stortini, Vice Chairman; Beck, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Matson, Sellar, Talley, Wanamaker, Washington, Whetzel. The bill was read the second time by sections.

MOTIONS

On motion of Senator Walgren, the committee amendment was not adopted.

Senator Mardesich moved adoption of the following amendment:

On page 1, after the enacting clause strike the remainder of the bill and insert as follows:

"NEW SECTION. Section 1. For the purposes of this 1974 amendatory act the following definitions shall apply:

(1) "Authority" means the county transportation authority created pursuant to this 1974 amendatory act.

(2) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of program planning and fiscal management.

(3) "Public transportation function" means the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle now on an individual fare-paying basis, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing shall prohibit an authority from leasing its buses to private certified carriers or to prohibit the county from providing school bus service.

NEW SECTION. Sec. 2. Every county, except a county in which a metropolitan municipal corporation is performing the function of public transportation on the effective date of this 1974 amendatory act, is authorized to create a county transportation authority which shall perform the function of public transportation. Such authority shall embrace all the territory within a single county and all cities and towns therein.

NEW SECTION. Sec. 3. Every county which undertakes the transportation function pursuant to section 2 of this 1974 amendatory act shall create by resolution of the county legislative body a county transportation authority which shall be composed as follows:

(1) The elected officials of the county legislative body, not to exceed three such elected officials;

(2) The mayor of the most populous city within the county;

(3) The mayor of a city with a population less than five thousand, to be selected by the mayors of all such cities within the county.

(4) The mayor of a city with a population greater than five thousand, excluding the most populous city, to be selected by the mayors of all such cities within the county: PROVIDED, HOWEVER, That if there is no city with a population greater than five thousand, excluding the most populous city, then the sixth member who shall be an elected official, shall be selected by the other two mayors selected pursuant to subsections (2) and (3) of this section.

The members of the authority shall be selected within sixty days after the date of the resolution creating such authority.

Any member of the authority who is a mayor and whose mayorial office is not a full time position shall receive one hundred dollars for each day spent in the performance of his duties as a member of the authority.

NEW SECTION. Sec. 4. Every county transportation authority created to perform the

function of public transportation pursuant to section 2 of this 1974 amendatory act shall have the following powers:

(1) To prepare, adopt, carry out, and amend a general comprehensive plan for public transportation service.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of any transportation facilities and properties, including terminal and parking facilities, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

(4) In the event a county transit authority shall extend its transportation function to any area in which service is already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission under RCW 81.68.040, it may acquire by purchase or condemnation at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation, or it may contract with such person or corporation to continue to operate such service or any part thereof for time and upon such terms and conditions as provided by contract.

(5) (a) To contract with the United States or any agency thereof, any state or agency thereof, any metropolitan municipal corporation, any other county, city, special district, or governmental agency and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction, operation, or maintenance of transportation facilities; and

(b) To contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service related to transportation which the county is authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: PROVIDED, That before any contract for the lease or operation of any transportation facilities shall be let to any private person, firm or corporation, competitive bids shall first be called for and contracts awarded in accord with the procedures established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

(6) In addition to all other powers and duties, an authority shall have the power to own, construct, purchase, lease, add to, and maintain any real and personal property or property rights necessary for the conduct of the affairs of the authority. An authority may sell, lease, convey or otherwise dispose of any authority real or personal property no longer necessary for the conduct of the affairs of the authority. An authority may enter into contracts to carry out the provisions of this section.

NEW SECTION. Sec. 5. The authority shall elect a chairman, and appoint a general manager who shall be experienced in administration, and who shall act as executive secretary to, and administrative officer for the authority. He shall also be empowered to employ such technical and other personnel as approved by the authority. The general manager shall be paid such salary and allowed such expenses as shall be determined by the authority. The general manager shall hold office at the pleasure of the authority, and shall not be removed until after notice is given him, and an opportunity for a hearing before the authority as to the reason for his removal.

NEW SECTION. Sec. 6. Each authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source, and out of which shall be expended all sums disbursed by the authority. The county treasurer shall be the custodian of the fund, and the county auditor shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the authority.

The county and each city or town which is included in the authority shall contribute

such sums towards the expense for maintaining and operating the authority as shall be agreed upon between them.

Every year at the conclusion of its fiscal year each authority shall submit a report, which shall conform to the requirements of the state auditor as provided in RCW 43.09.230, to the senate and house of representatives transportation and utilities committees of the legislature.

NEW SECTION. Sec. 7. The authority shall adopt a public transportation plan. Such plan shall conform to the plan requirements of any federal law or regulation, compliance with which is required for federal public transportation assistance. Such plan shall be a general comprehensive plan designed to best serve the residents of the entire county. Prior to adoption of the plan, the authority shall provide a minimum of sixty days during which sufficient hearings shall be held to provide interested persons an opportunity to participate in development of the plan.

NEW SECTION. Sec. 8. On and after the date, after the effective date of the proposition approved by the voters in accord with section 10 of this 1974 amendatory act, on which the authority begins to provide the public transportation function, the authority shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which the county or any city located within such county shall have been previously empowered to exercise and such powers shall not thereafter be exercised by the county or such cities without the consent of the authority. The county and all cities within such county upon demand of the authority shall transfer to the authority all unexpended funds earmarked or budgeted from any source for public transportation, including funds receivable. The county in which an authority is located shall have the power to contract indebtedness and issue bonds pursuant to chapter 36.67 RCW to enable the authority to carry out the purposes of this 1974 amendatory act, and the purposes of this act shall constitute a "county purpose" as that term is used in chapter 36.67 RCW.

NEW SECTION. Sec. 9. A county transportation authority may acquire any existing transportation system by conveyance, sale, or lease. In any purchase from a county or city, the authority shall receive credit from the county or city for any federal assistance and state matching assistance used by the county or city in acquiring any portion of such system. The authority shall assume and observe all existing labor contracts relating to such system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he enjoyed as an employee of such system prior to such acquisition. The authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization.

NEW SECTION. Sec. 10. There is added to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW a new section to read as follows:

Any county in which a plan has been adopted pursuant to section 7 of this 1974 amendatory act may by resolution, for the sole purpose of providing funds for the operation, maintenance or capital needs of county public transportation, submit an authorizing proposition to the voters and if approved by a majority of persons voting thereon, fix and impose a sales and use tax. Such tax shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The proceeds of such tax shall be deposited in the transportation fund created pursuant to section 6 of this act. The rate of such tax imposed by such county shall be three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax); PROVIDED, That such tax shall expire on June 30, 1979; PROVIDED FURTHER, That no authority may issue general obligation bonds which are secured by or payable from a sales and use tax imposed pursuant to this chapter.

In the event the county shall impose a sales and use tax pursuant to this section, no

city, town, or metropolitan municipal corporation located within the territory of the authority shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045.

Sec. 11. Section 35.58.030, chapter 7, Laws of 1965 and RCW 35.58.030 are each amended to read as follows:

Any area of the state *located in a class AA county and* containing two or more cities, at least one of which is a city of the first class, may organize as a metropolitan municipal corporation for the performance of certain functions, as provided in this chapter.

NEW SECTION. Sec. 12. There is added to Title 36 RCW a new chapter to read as set forth in sections 1 through 9 of this 1974 amendatory act.

NEW SECTION. Sec. 13. This 1974 amendatory 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 Mardesich, the following amendments to the amendment by Senator Mardesich were adopted:

On page 1, line 20 of the Senate amendment to Substitute House Bill No. 670 by Senator Mardesich after "or" and before "prohibit" strike "to".

On page 2, line 21 of the Senate amendment to Substitute House Bill No. 670 by Senator Mardesich after "mayor" and before "and" add "or an elected official selected pursuant to subsection (4) above".

On page 2, line 21 after "whose" strike "mayorial".

On page 5, line 18 of the Senate amendment to Substitute House Bill No. 670 by Senator Mardesich after "On" and before "the" strike "and after the date, after".

On page 5, line 20, after "act" and before "the authority" on line 21, strike ", on which the authority begins to provide the public transportation function".

MOTION

Senator Francis moved adoption of the following amendment by Senators Francis and Fleming to the amendment by Senator Mardesich:

On page 1, section 2, line 22, strike ", except" to "act," on line 25.

Debate ensued.

MOTION

Senator Greive moved that further consideration of Substitute House Bill No. 670, together with the amendment proposed by Senator Mardesich, as amended, and the amendment to page 1, section 2, line 22 by Senators Francis and Fleming to the amendment by Senator Mardesich, be held after recess this afternoon.

Debate ensued.

MOTION

Senator Durkan moved that the motion by Senator Greive be laid upon the table.

PERSONAL PRIVILEGE

Senator Greive: "I would like to say as a matter of personal privilege that I have been on this floor twenty-five years. I have never found somebody when we had a serious question, where there was no effort to delay anything, out of pure spite make a motion such as the one Senator Durkan has just made."

The motion by Senator Durkan failed.

MOTION

On motion of Senator Greive, Substitute House Bill No. 670 and the pending amendments were ordered held for consideration following Substitute House Bill No. 779.

MOTION

On motion of Senator Mardesich, the motion for reconsideration by Senator Lewis (Harry) on the failure of the Senate to concur in the House amendment to Engrossed Substitute Senate Bill No. 3253 was made a special order of business for 8:00 p.m. this evening.

MOTION

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 1185, making revision to the timber taxation laws, was made a special order of business immediately following consideration of the motion for reconsideration by Senator Lewis (Harry) on the failure of the Senate to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 779.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 779, by Committee on Education (originally sponsored by Representatives Johnson, Fortson and Laughlin):

Implementing laws relating to the teachers' retirement system.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the following amendment:

On page 9 following section 5 add a new section as follows:

"*NEW SECTION.* Sec. 6. There is added to chapter 41.32 RCW a new section to read as follows:

Notwithstanding any other provision of this 1974 act, when the salary of any member as a member of the legislature is increased beyond the amount provided for in Initiative Measure No. 282 then earnable compensation for the purposes of this chapter shall be based solely on the sum of (1) the compensation actually received from the salary for the job from which such leave of absence may have been taken and (2) such member's salary as a legislator during his two highest compensated consecutive years."

Re-number the remaining section consecutively.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Mardesich yield to a question? Senator Mardesich, this is not particularly concerned with that amendment though it may relate to it. The proviso that a legislator, that a teacher-legislator may elect upon retirement to stop paying into the retirement fund. Is this correct?"

Senator Mardesich: "May upon retirement. . . ."

Senator Rasmussen: "Let me read this to you. It is on page 5 and I am not sure just what it means. '*PROVIDED FURTHER,* That such elected official who has retired or otherwise terminated his public school service may then elect to terminate his membership in the retirement system and receive retirement benefits while continuing to serve as an elected official.'"

Senator Mardesich: "Right. And then we would be at his sixty percent maximum so it would not affect him, and it would be unfair, I believe, to require them to continue to pay into the system when there could be no further benefit to them. Because we have put the

sixty percent lid on, I can see no reason to continue to take contributions from them. That was why we asked for that."

Senator Rasmussen: "This was my point. You remember the McCutcheon amendment that allowed you to draw your retirement and continue working after the age of seventy, I think it was. Social Security allows you to do that, but the PERS system does not. As long as you are continuing to work, you must remain a member of the PERS system. That is why I am wondering why you put this special provision in. You did not do it, but it is in the bill."

Senator Mardesich: "The problem is, he is just telling me what the section is, and I agree. It is exactly that. It is the type of an amendment which would allow a teacher to retire, such as Senator Canfield would be, and then continue to serve as a legislator. But once he is out under this bill now, he is restricted to his sixty percent maximum under retirement. So why should you continue to require from him, if he were to continue in the legislature, payments to that system since they add nothing to his benefits? His benefits cannot go up any more as a consequence of his service."

Senator Rasmussen: "Very true, but this is exactly the same situation that is facing all state employees that have the option. They may retire after twenty-five years of service; they may retire at the age of sixty years or whatever age they desire to do it, after twenty-five years. But if they continue to work, then they must continue paying into the retirement system."

Senator Mardesich: "Right, but I think this only applies to the legislative time. They can continue to serve in the legislature, but they cannot continue to work as a teacher and draw their retirement. Once he has retired as a teacher, and under this bill he is at his sixty percent even with his legislative time, he could then retire and draw his retirement but he could not draw any more than he would draw under the maximum."

Senator Rasmussen: "Yes, Senator Mardesich, I agree with you, but you have the same provision right now and we have a number of high paid state employees who have thirty, thirty-five, forty years of service and would like to have that provision stricken from PERS."

Senator Mardesich: "I agree they would like to, but I do not know how it will happen."

Senator Rasmussen: "But you are doing it in this particular bill so again we are going to have the leapfrog."

Senator Mardesich: "How? They want to continue to increase their retirement. See the difference is, they are at sixty percent and what they want is to continue in service; because they are in this special administrative category, they want to continue in service for the state full time pay and continue to add, I guess they asked for one percent a year, maybe it was. . . ."

Senator Rasmussen: "Two percent a year."

Senator Mardesich: "All right. They want to continue to add so they could go from sixty, they continue to serve after three years, then they get sixty-two percent."

Senator Rasmussen: "No."

Senator Mardesich: "Yes, sir, that is what they want. But that does not allow this. Once the Canfield, or a teacher were to retire out of the system, out of PERS, he would be limited and I assume he would be, after thirty years, at the sixty percent level. Right? But to continue to serve here in the legislature, he would not be required to pay in any more because his benefits would increase. He would not add two percent every year under this amendment as we have drafted it."

Senator Rasmussen: "I am agreed with your explanation of it, yes. It just happens at the last previous session you took that provision out of the PERS system entirely, so that as long as they continue to work they have to pay into it, regardless of whether they are up to their maximum."

Senator Mardesich: "That I do not recall. It is really an unrelated matter."

Further debate ensued.

POINT OF INQUIRY

Senator Canfield: "Will Senator Mardesich yield? Senator, in discussing this bill with some staff people a day or two ago I was told that the retirement allowance would be built

upon two percent and I asked two or three times, is it two or is it three, and I was always told two. Now this says three. No, maybe I am looking at the wrong one. Which amendment now?"

Senator Mardesich: "My amendment does not relate to that at all. My amendment says - what my amendment says is this."

Senator Canfield: "I understand your amendment and I think it is a good one, but I wanted to ask this other question because I was not told by this staff member that it was three percent. He said it was two. This says three."

Senator Mardesich: "In the amendment?"

Senator Canfield: "No, in the bill. That the retiree gets three percent of the total average earnable compensation. That includes his teacher's salary and his legislator's salary."

Senator Mardesich: "That is the House bill you are looking at?"

Senator Canfield: "I am looking at this green sheet here, Substitute House Bill No. 779. If I am looking at the wrong one why - that happens to be on page 6 of Substitute House Bill No. 779. Do I have the wrong bill? Well, the three percent is still in there anyway."

Senator Mardesich: "This is engrossed substitute. I do not know whether you are looking at engrossed substitute."

Senator Canfield: "Senator, if you could answer my question it will save a little of your time. Is it two or is it three?"

Senator Mardesich: "It is two as I understand it, according to the analysis I have. Now I did not actually read the bill, but I have been told that it is two percent."

Senator Canfield: "I will check it, Senator."

Senator Mardesich: "Two percent, pardon me."

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

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

On line 9 of the title after "RCW 41.32.498;" and before "creating new" add "adding a new section to chapter 41.32 RCW;"

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 779, as amended, was ordered held for further consideration on second reading following recess this afternoon.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 670, by Committee on Transportation and Utilities (originally sponsored by Representatives Nelson, Gilleland, Charnley and Beck):

Authorizing and funding for public transportation systems.

The Senate resumed consideration of Substitute House Bill No. 670 from earlier today. An amendment by Senator Mardesich was pending at that time and amendments by Senator Mardesich to that amendment were adopted. An amendment by Senators Francis and Fleming to page 1, section 2, line 22 had been moved for adoption by Senator Francis.

There being no objection, the amendment by Senators Francis and Fleming was withdrawn.

Debate ensued.

Senator Rasmussen moved adoption of the following amendments to the amendment by Senator Mardesich:

On page 2, line 22 of the amendment, after "receive" strike "one hundred" and insert "fifty".

On page 2, line 23, after "day" strike "spent in the performance of his duties as a member" and insert "attending official meetings".

Debate ensued.

On motion of Senator Woody, the question was divided.

Senator Rasmussen moved adoption of the amendment to page 2, line 22 of the amendment by Senator Mardesich.

Debate ensued.

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

On motion of Senator Rasmussen, the amendment to page 2, line 23 to the amendment by Senator Mardesich was adopted.

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

On motion of Senator Woody, the following amendment by Senator Mardesich to the title was adopted:

On page 1, in line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending section 35.58.030, chapter 7, Laws of 1965 and RCW 35.58.030; adding a new section to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW; and adding a new chapter to Title 36 RCW."

On motion of Senator Woody, Substitute House Bill No. 670, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Marsh: "Senator Mardesich, would you yield to two questions to clarify intent? Senator Mardesich, the definition of 'public transportation function' on page 1 excludes 'any other motor vehicle now on an individual fare paying basis.' Does that phrase only mean taxis?"

Senator Mardesich: "Yes, Senator Marsh. The language was taken from the existing language relating to Metro transportation and relates only to taxis."

Senator Marsh: "Senator Mardesich, in section 8, the authority exercises the powers of cities with respect to transportation if the sales tax is approved. Does that include the power to levy a household tax or to obtain state matching?"

Senator Mardesich: "No, Senator, the transportation authority has no power to impose a household tax or to require state matching."

Senator Marsh: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a further question? Senator Mardesich, is there anything in this proposed bill that would prohibit the transit authority from granting free rides to the senior citizen or the handicapped?"

Senator Mardesich: "No, it merely says that they shall set rates. I think that is on page 5 at the bottom. It just simply provides that they can set rates. I assume they could set those rates at whatever level they wanted to."

Senator Rasmussen: "I am briefly scanning this amendment. It is quite lengthy. This is why I wanted to have it made clear that they would grant reduced or no cost to senior citizens and the handicapped."

Senator Mardesich: "It is my assumption that they can. It is on page 3, subsection (3) the top of the page, it says, 'to fix rates, tolls, fares and charges for the use of such facilities.' There is no prohibition against a variation of rates, I assume, for senior citizens."

Senator Rasmussen: "Thank you, Senator Mardesich."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 670, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-47.

Voting nay: Senator Atwood-1.

Excused: Senator Newschwander-1.

SUBSTITUTE HOUSE BILL NO. 670, as amended by the Senate, having received the constitutional 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 Mardesich, Substitute House Bill No. 670, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate immediately resumed consideration of Substitute House Bill No. 779.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 779, by Committee on Education (originally sponsored by Representatives Johnson, Fortson and Laughlin):

Implementing laws relating to the teachers' retirement system.

The Senate resumed consideration of Substitute House Bill No. 779 as amended previously today by Senator Mardesich.

On motion of Senator Mardesich, Substitute House Bill No. 779, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Would Senator Mardesich yield? Did we pass your amendment?"

Senator Mardesich: "Yes, sir."

Senator Canfield: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield? Senator Mardesich, this is the third time that they have tried to give the Superintendent of Public Instruction a three percent pension as all the other elected officials."

Senator Mardesich: "Do you want to run it back and take it out? I will vote with you."

Senator Rasmussen: "My question is, do you think this is going to stick this time? Every time that they have tried to pass it, it has failed for some reason or other."

Senator Mardesich: "Your guess is as good as mine."

MOTION

Senator Atwood interrupted the roll call to move to excuse Senator Metcalf because of a conflict of interest.

PARLIAMENTARY INQUIRY

Senator Odegaard: "Mr. President, now that we are in the middle of a roll call, Senator Atwood brings up a point. There are two other Senators here who have possible conflict of interest also, Senator Stortini and myself. We were advised that since we are part of a class as educator-legislators, that it would be proper to vote on this measure but if this is the case, Senator Atwood, very likely Senator Stortini and I ought not vote, also. Could we have a ruling on that, Mr. President?"

REPLY BY THE PRESIDENT

The President: "Senator Odegaard, the President only acted upon Senator Atwood's motion to excuse Senator Metcalf. The President did not rule as to whether or not Senator

Metcalfe had a conflict of interest. The President believes that that is something that each individual member will have to decide for himself.”

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: “A motion to excuse in the middle of a roll call is not acceptable on the Call of the Senate. However, if the party appears on the floor and declares he has a conflict of interest, then the Chair can recognize that and he can say ‘no, I do not desire to vote.’”

REPLY BY THE PRESIDENT

The President: “Ordinarily your point would be well taken, Senator Rasmussen, but inasmuch as we are not operating under the Senate rules, and the President hearing no objection to Senator Atwood’s motion, excused Senator Metcalf.”

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): “I just wanted to reinforce what you just said. You suggested if anybody had an objection. There was no objection at that time and the gavel fell and I agree that you are correct.”

REMARKS BY SENATOR RIDDER

Senator Ridder: “I would like to be excused from voting. I may have a conflict of interest, but having just seen this engrossed bill, I cannot tell for sure.”

REPLY BY THE PRESIDENT

The President: “Senator Ridder, the President cannot excuse you from voting. However, if you believe there is a conflict of interest in your case, you do not have to vote.”

REMARKS BY SENATOR RIDDER

Senator Ridder: “I do believe I have a conflict of interest, Mr. President, and I pass.”

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 779, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Sandison, Scott, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Woodall—39.

Voting nay: Senators Clarke, Francis, Murray, Sellar, von Reichbauer, Whetzel, Woody—7.

Excused: Senators Metcalf, Newschwander, Ridder—3.

SUBSTITUTE HOUSE BILL NO. 779, as amended by the Senate, having received the constitutional 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 Woodall, Substitute House Bill No. 779, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 867.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry and Kraabel):

Preserving allocations of urban arterial trust account funds when construction delayed due to court order.

The bill was read the second time by sections.

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

Beginning on line 15, add the following new sections:

"*NEW SECTION.* Sec. 2. Where urban arterial trust account funds were authorized by the State Urban Arterial Board for specific arterial projects, and in those cases where the initial authorization of the project occurred during the 1967-69 and 1969-71 biennial periods, such trust account funds shall remain obligated to such projects for the period through June 30, 1975.

NEW SECTION. Sec. 3. The Senate and House Standing Committees on Transportation and Utilities shall review the fiscal effect of irrevocably committing state funds to specific projects during such period as all possible litigation under the National Environmental Policy Act, the State Environmental Policy Act, the Shoreline Management Act, or other federal or state litigation has been resolved, and report their findings and recommendations to the 1975 legislature."

Renumber the remaining section consecutively.

On motion of Senator Greive, Substitute House Bill No. 867, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 867, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

SUBSTITUTE HOUSE BILL NO. 867, as amended by the Senate, having received the constitutional 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 Mardesich, the Senate commenced consideration of Substitute House Bill No. 869.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 869, by Committee on Ecology (originally sponsored by Representative Luders):

Relating to air pollution.

The bill was read the second time by sections.

On motion of Senator Washington, Substitute House Bill No. 869 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 869, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Francis, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Voting nay: Senators Fleming, Grant—2.

Excused: Senator Newschwander—1.

SUBSTITUTE HOUSE BILL NO. 869, having received the 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 Mardesich, the Senate dispensed with the Call of the Senate. At 6:00 p.m., on motion of Senator Mardesich, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 23, 1974.

TO THE HONORABLE, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON.

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, I have the honor to submit herewith my report of each case of reprieve, commutation or pardon which I have granted since the Third Extraordinary Session of the Forty-third Legislature was recessed in February, 1974.

Ralph Melvin Berry was found guilty of Burglary in the Second Degree by the Superior Court of the State of Washington for Chelan County on January 20, 1934, for which he was sentenced to a term of not less than six months nor more than three years in the State Reformatory. He was further found guilty of Burglary in the Second Degree by the Superior Court of the State of Washington for Snohomish County on May 21, 1937, and was sentenced to a term of not more than fifteen years nor less than three years in the State Penitentiary. On September 30, 1942, he received a Final Discharge and Restoration of Civil Rights from Governor Arthur Langlie for each of the referenced crimes.

Substantial doubt exists as to the legality of the 1934 conviction inasmuch as Ralph Melvin Berry, a juvenile at the time of trial, was tried as an adult. The record further discloses that the harsh sentence imposed for the 1937 conviction was based in large part on the prior conviction.

With these exceptions, Ralph Melvin Berry has since maintained a record free of further felony convictions and has involved himself commendably in community activities to aid in the rehabilitation of persons with criminal records. His petition for a pardon is

supported by the Prosecuting Attorney of Snohomish County and numerous other individuals in his community.

On April 23, 1974, I granted to Ralph Melvin Berry a pardon of the aforesaid crimes.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed:
ENGROSSED SENATE BILL NO. 3062,
SENATE BILL NO. 3380, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 2562,
SUBSTITUTE SENATE BILL NO. 3200, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 3312.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3312, with the following amendments:

On page 1, after the enacting clause, strike the remainder of the bill and insert the following:

"Section 1. Section 1, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.010 are each amended to read as follows:

As used in this chapter:

(1) A "criminally insane" *person* means any person who has been acquitted of a crime charged by reason of [mental disease or defect excluding responsibility] *insanity*, and thereupon found to be a substantial danger to [himself or] other persons [and in need of] *or to present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.* [No condition of mind proximately induced by the voluntary act of a person charged with a crime shall be deemed a mental disease or defect excluding responsibility.]

(2) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to himself or his family.

(3) "Secretary" means the secretary of the department of social and health services or his designee.

(4) "Department" means the state department of social and health services.

(5) "Treatment" means any currently standardized medical or mental health procedure including medication.

(6) "*Incompetency*" means a person lacks the capacity to understand the nature of the proceedings against him or to assist in his own defense as a result of mental disease or defect.

(7) *No condition of mind proximately induced by the voluntary act of a person charged with a crime shall constitute "insanity".*

Sec. 2. Section 2, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.020 are each amended to read as follows:

(1) At any and all stages of the proceedings pursuant to this chapter, any person subject to the provisions of this chapter shall be entitled to the assistance of counsel, and if the person is indigent [and unable to retain counsel] the court shall appoint counsel to assist him. A person may waive his right to counsel [only following]; *but such waiver shall only be effective if a court makes a specific finding [by the court] that he is or was competent to so waive.* In making such findings, the court shall be guided but not limited by the following standards: Whether the person attempting to waive the assistance of counsel, does so understanding:

- (a) The nature of the charges;
- (b) The statutory offense included within them;
- (c) The range of allowable punishments thereunder;
- (d) Possible defenses to the charges and circumstances in mitigation thereof; and
- (e) All other facts essential to a broad understanding of the whole matter.

(2) Whenever any person is subjected to an [mental status] examination pursuant to any provision of this chapter, he may retain an expert or professional person to [participate in the] *perform an* examination in his behalf. In the case of a person who is indigent, [either] the court [or the secretary] shall upon his request assist the person in obtaining an expert or professional person to [participate in the] *perform an* examination or *participate in the* hearing on his behalf. An expert or professional person obtained by an indigent person pursuant to the provisions of this chapter shall be compensated for his services out of funds of the department, in an amount determined by it to be fair and reasonable.

(3) Whenever any person has been committed under any provision of this chapter, or ordered to undergo alternative treatment following his acquittal of a crime charged by reason of [mental disease or defect excluding responsibility] *insanity*, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged *for which he was acquitted by reason of insanity.* If at the end of that period the person has not been finally discharged and is still in need of commitment or treatment, civil commitment proceedings may be instituted, if appropriate.

(4) Any time the defendant is being examined by court appointed experts or professional persons pursuant to the provisions of this chapter, he shall be entitled to have his attorney present. [If the defendant is indigent and unable to retain counsel, the court upon the request of the defendant shall appoint counsel to assist the defendant.] The defendant may refuse to answer any question if he believes his answers may tend to incriminate him or form links leading to evidence of an incriminating nature.

Sec. 3. Section 3, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.030 are each amended to read as follows:

(1) Evidence of [mental disease or defect excluding responsibility] *insanity* is not admissible unless the defendant, at the time of arraignment or within ten days thereafter or at such later time as the court may for good cause permit, files a written notice of his intent to rely on such a defense.

(2) [Mental disease or defect excluding responsibility is a] *Insanity is a* defense which the defendant must establish by a preponderance of the evidence.

[(3) When the defendant is acquitted on the grounds of mental disease or defect excluding responsibility, the verdict and judgment shall so state.]

Sec. 4. Section 4, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.040 are each amended to read as follows:

Whenever the issue of [mental disease or defect excluding responsibility has been raised by the defendant] *insanity is submitted to the jury*, the court shall instruct the jury to return a *special verdict in substantially the following form:*

answer
yes or no

1. Did the defendant commit the [crime] *act* charged? _____
2. If your answer to number 1 is yes, do you acquit [him] *him* because of [mental disease or defect excluding responsibility] *insanity existing at the time of the act charged?* _____

answer
yes or no

- 3. If your answer to number 2 is yes, is the defendant a substantial danger to [himself or others and in need of] *other persons unless kept under further control by the court or other persons or institutions, or property?*
- 4. If your answer to number 2 is yes, does the defendant present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions?
- 5. If your answers to either number 3 or number 4 is yes, is it in the best interests of the defendant and others that the defendant be placed in treatment that is less restrictive than detention in a state mental hospital?

Sec. 5. Section 5, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.050 are each amended to read as follows:

No *incompetent* person [who lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of mental disease or defect] shall be tried, convicted, or sentenced for the commission of an offense so long as such incapacity continues.

Sec. 6. Section 6, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.060 are each amended to read as follows:

(1) Whenever a defendant has pleaded not guilty by reason of [mental disease or defect excluding responsibility] *insanity*, or there is reason to doubt his [fitness to proceed as a result of mental disease or defect] *competency*, the court on its own motion or on the motion of any party shall *either* appoint [,] or [shall] request the secretary to designate [,] at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. For purposes of the examination, the court may order the defendant committed to a hospital or other suitable facility for a period of time necessary to complete the examination, but not to exceed fifteen days.

(2) The court [shall] *may* direct that a qualified expert or professional person retained by *or appointed for* the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that he shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right [either to join in the report filed by the court appointed experts or professional persons authorized by subsection (1) of this section, or] to file his own [separate] report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him in obtaining an [duly qualified] expert or professional person [to participate in the examination on the defendant's behalf].

(3) The report of the examination shall include the following:

- (a) A description of the nature of the examination;
- (b) A diagnosis of the mental condition of the defendant;
- (c) If the defendant suffers from a mental disease or defect, an opinion as to his [capacity to understand the proceedings against him and to assist in his own defense] *competency*;

(d) If the defendant has indicated his intention to rely on the defense of [irresponsibility] *insanity* pursuant to RCW 10.77.030, an opinion as to the [extent he lacked capacity either:

- (i) To know or appreciate the nature and consequences of such conduct; or
- (ii) To know or appreciate the criminality of such conduct;] *defendant's sanity at the time of the act.*

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(4) An opinion as to whether the defendant is a substantial danger to [himself or

others and is in need of] *other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.*

Sec. 7. Section 8, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.080 are each amended to read as follows:

[If the report filed pursuant to RCW 10.77.060 finds that the defendant at the time of the criminal conduct charged did not have capacity to either (1) know or appreciate the nature and consequence of such conduct; or (2) know or appreciate the criminality of such conduct, the defendant, upon notification to the prosecuting attorney, may move that a judgment of acquittal on the grounds of mental disease or defect excluding responsibility be entered. If the court, after a hearing on the motion, is satisfied that such impairment was sufficient to exclude responsibility, the court shall enter judgment of acquittal on the grounds of mental disease or defect excluding responsibility. If the motion is denied, the question shall be submitted to the trier of fact in the same manner as all other issues of fact.] *The defendant may move the court for a judgment of acquittal on the grounds of insanity: PROVIDED, That a defendant so acquitted may not later contest the validity of his detention on the grounds that he did not commit the acts charged. At the hearing upon said motion the defendant shall have the burden of proving by a preponderance of the evidence that he was insane at the time of the offense or offenses with which he is charged. If the court finds that the defendant should be acquitted by reason of insanity, it shall enter specific findings in substantially the same form as set forth in RCW 10.77.040 (2), (3), (4), and (5), as now or hereafter amended. If the motion is denied, the question may be submitted to the trier of fact in the same manner as other issues of fact.*

Sec. 8. Section 9, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.090 are each amended to read as follows:

(1) If at any time during the pendency of an action and prior to judgment, the court finds following a report as provided in RCW 10.77.060, *as now or hereafter amended*, that the defendant is [incapable of understanding the proceedings against him or assisting in his own defense] *incompetent*, the court shall order the proceedings against him be stayed, except as provided in subsection (5) of this section, and may commit the defendant to the custody of the secretary, who shall place such defendant in an appropriate facility of the department for evaluation and treatment, or the court may alternatively order the defendant to undergo evaluation and treatment at some other facility, or under the guidance and control of some other person, until he has regained the competency necessary to understand the proceedings against him and assist in his own defense, but in any event, for no longer than a period of ninety days. [If during the] *On or before expiration of the initial ninety day period [,] of commitment* the court [on its own motion, or upon application of the secretary, the prosecuting attorney, or the defendant, finds by a preponderance of the evidence, after] *shall conduct* a hearing, [that] *at which it shall determine whether or not* the defendant is [now able to understand the proceedings against him and assist in his own defense, the proceedings shall be resumed] *incompetent*.

(2) If [at the end of the ninety day period] the court finds *by a preponderance of the evidence* that the defendant is [not able to understand the proceedings against him and assist in his own defense] *incompetent*, the court shall have the option of extending the order of commitment or alternative treatment for an additional ninety day period, but it must at the time of extension set a date for a prompt hearing to determine the defendant's competency [if the defendant has not been judged competent to proceed] before the expiration of the second ninety day period. The defendant, his attorney, the prosecutor, or the judge shall have the right to demand that the [competency] hearing [at the end of the] *on or before the expiration of the second ninety day [extension] period be before a jury.* If no demand is made, the hearing shall be before the court. [The sole issue to be determined at such a hearing is] *The court or jury shall determine whether or not* the defendant has [the competency to understand the proceedings against him and to assist in his own defense] *become competent.*

(3) *At the hearing upon the expiration of the second ninety day period if the jury or court, as the case may be, finds [by a preponderance of the evidence] that the defendant is [unable to understand the proceedings against him and assist in his own defense]*

incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall [immediately] be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That [if the jury or court, as the case may be, also finds by a preponderance of the evidence that, on or before ninety days from the expiration date of the second ninety day period, the defendant will be so improved as to be able to understand the proceedings against him and assist in his own defense, the court shall extend the order of commitment or alternative treatment for a period no longer than an additional ninety days and shall also order that if the defendant has not been judged competent to proceed and has not been brought to trial on or before the end of said additional ninety day period, then at the end of said period, upon providing notice to the court, but without further order of the court, either civil commitment proceedings shall immediately be instituted, if appropriate, or the defendant shall be released] *the criminal charges shall not be dismissed if at the end of the second ninety day period the court or jury finds that the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, and that there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for an additional six months. At the end of said six month period, if the defendant remains incompetent, the charges shall be dismissed without prejudice and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order release of the defendant.*

(4) [If the jury or the court, as the case may be, finds by a preponderance of the evidence that the defendant has regained the ability to understand the proceedings against him and to assist in his own defense, the criminal proceedings shall be resumed.

(5) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

[(6) (5) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables him to understand the proceedings against him and to assist in his own defense, or does not disable him from so understanding and assisting in his own defense.

Sec. 9. Section 10, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.100 are each amended to read as follows:

[At any proceeding held pursuant to this chapter:

(1) *Subject to the rules of evidence*, experts or professional persons who have reported pursuant to this chapter may be called as witnesses *at any proceeding held pursuant to this chapter*. Both the prosecution and the defendant may summon any other qualified expert or professional persons to testify [, but no one who has not examined the defendant outside of court shall be competent to testify to an expert opinion with respect to the mental condition or responsibility of the defendant, as distinguished from the validity of the procedure followed by, or the general scientific propositions stated by, another witness].

[(2) Experts or professional persons who have examined the defendant and who have been called as witnesses concerning his mental condition shall be permitted to make a statement as to the nature of his examination, his diagnosis of the mental condition of the defendant at the time of the commission of the offense charged and his opinion as to the extent, if any, the defendant lacked capacity either (1) to know or appreciate the nature and consequence of such conduct; or (2) to know or appreciate the criminality of such conduct. He shall be permitted to make any explanation reasonably serving to clarify his diagnosis and opinion and may be cross-examined as to any matter bearing on his competency or credibility or the validity of his diagnosis or opinion.]

Sec. 10. Section 11, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.110 are each amended to read as follows:

If a defendant [charged with a crime] is acquitted by reason of [mental disease or defect excluding responsibility] *insanity*, and it is found that he is not a substantial danger to [himself or other persons, and not in need of] *other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court*

shall direct his [release] *final discharge*. If it is found that the defendant is a substantial danger to [himself or others and in need of] *other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control* by the court or other persons or institutions, the court [may] *shall* order his hospitalization [or may order alternative treatment], *or any appropriate alternative treatment less restrictive than detention in a state mental hospital*, pursuant to the terms of this chapter. *If it is found that the defendant is not a substantial danger to other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he is in need of control by the court or other persons or institutions, the courts shall direct his conditional release.*

Sec. 11. Section 12, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.120 are each amended to read as follows:

The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to his custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition. In order that the secretary may adequately determine the nature of the mental illness of the person committed to him as criminally insane, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. Any person so committed shall not be discharged from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of discharge.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time he is absent from the facility, he shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return him to such institution or facility designated by the secretary. If the state appeals an order of discharge, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause. [If the state does not appeal, the order of discharge shall be sufficient acquittal to the secretary.]

Sec. 12. Section 14, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.140 are each amended to read as follows:

Each [patient] *person* committed to a hospital or other facility or conditionally released pursuant to this chapter shall have a current examination of his mental condition made by one or more experts or professional persons at least once every six months. [The patient] *Said person* may retain, or if he is indigent and so requests, the court may appoint a [duly] qualified expert or professional person to examine him, and such expert or professional person shall have access to all hospital records concerning the [patient] *person*. The secretary, upon receipt of the periodic report, shall provide written notice to the court of commitment of compliance with the requirements of this section.

Sec. 13. Section 15, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.150 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140, *as now or hereafter amended*, may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court *of the county which ordered his commitment* the person's application for conditional release as well as his recommendations concerning the application and any proposed terms and conditions upon which he *reasonably* believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) The court of the county which ordered his commitment, upon receipt of an application for conditional release with the secretary's recommendation for conditional release, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary. The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of his choice. If the [patient] committed person is indigent, and he so requests, the court shall appoint a [duly] qualified expert or professional person to examine [the patient] him on his behalf. The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to [himself or other persons and is not in need of further control by the court or other persons or institutions] other persons, or substantial likelihood of committing felonious acts jeopardizing public safety or security. The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of [said recommendations] conditional release, may do so only on the basis of substantial evidence. The court [, prior to conditional release,] may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(3) [A recommendation by the secretary pursuant to this section that the person should not be conditionally released does not preclude such person from applying for a writ of habeas corpus on the issue of whether he may be released without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions, where no hearing has been held pursuant to subsection (2) of this section.

(4) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

Sec. 14. Section 18, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.180 are each amended to read as follows:

Each person conditionally released pursuant to RCW 10.77.150, as now or hereafter amended; shall have his case reviewed by the court which conditionally released him no later than one year after such release and no later than every two years thereafter, such time to be scheduled by the court. Review may occur in a shorter time or more frequently, if the court, in its discretion, on its own motion, or on motion of the person, the secretary or the prosecuting attorney, so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released. The court in making its determination shall be aided by the periodic reports filed pursuant to RCW 10.77.140, as now or hereafter amended, and 10.77.160, and the opinions of the secretary and other experts or professional persons.

Sec. 15. Section 19, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.190 are each amended to read as follows:

(1) Any person submitting reports pursuant to *RCW 10.77.160, the secretary, or the prosecuting attorney may petition the court to, or the court on its own motion may schedule an immediate hearing for the purpose of modifying the terms of conditional release if the petitioner or the court believes the released person is failing to adhere to the terms and conditions of his conditional release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the secretary, or the court, after examining the report filed with them pursuant to *RCW 10.77.160, or based on other information received by them, reasonably believes that a conditionally released person is failing to adhere to the terms and conditions of his conditional release, and because of that failure he has become a substantial danger to [himself or other persons] other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, the court or secretary may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the [patient should be rehospitalized] person's conditional release should be revoked or modified. The court shall be notified before the close of the next judicial day of [a patient's] the apprehension. Both the prosecuting attorney and the [patient] conditionally released person shall have the right to request an immediate mental [status] examination of the [patient] conditionally released person. [In the case of a patient who] If the

conditionally released person is indigent, the *court* or secretary shall, upon request [of the patient], assist him in obtaining a [duly] qualified expert or professional person to conduct the examination.

(3) The court, upon receiving notification of the [patient's] apprehension, shall promptly schedule a hearing. The issue to be determined is whether the conditionally released person did or did not adhere to the terms and conditions of his release, *and* is [likely to harm himself or other persons if not hospitalized or whether the conditions of release should be modified] *a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security*. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or *his conditional release shall be revoked and he shall be* [rehospitalized] *committed*-subject to release only in accordance with [the] provisions of this chapter.

Sec. 16. Section 20, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.200 are each amended to read as follows:

(1) [If] *Upon application by the criminally insane or conditionally released person*, the secretary [determines, after such investigation as he may deem necessary, that a patient committed as criminally insane pursuant to this chapter may be finally discharged without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions, he shall make application to the court for the final discharge] *shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he then shall authorize said person to petition the court.*

(2) *The petition shall be served upon the court and the prosecuting attorney.* The court, upon receipt of the [application] *petition* for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the [patient] *petitioner* examined by an expert or professional person of his choice. If the [patient] *petitioner* is indigent, and he so requests, the court shall appoint a [duly] qualified expert or professional person to examine [the patient on his behalf] *him*. The hearing shall be before a jury if demanded by either the [patient] *petitioner* or the prosecuting attorney. The [issue to be determined at such a hearing is whether the person may be] *burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to* [himself or others and is not in need of] *other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.*

(3) Nothing contained in this chapter shall prohibit the patient from petitioning [by writ of habeas corpus] *the court* for final discharge or *conditional release from the institution in which he or she is committed*. The issue to be determined on such proceedings is whether the [patient] *petitioner* is a substantial danger to [himself or] other persons [and is not in need of] , *or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.*

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Sec. 17. Section 22, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.220 are each amended to read as follows:

No person confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility: *PROVIDED, That nothing herein shall prohibit confinement in a mental health facility located wholly within a correctional institution.*

Sec. 18. Section 23, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.230 are each amended to read as follows:

Either party may appeal to the court of appeals the judgment of any hearing held pursuant to the provisions of this chapter. [The procedure on appeal shall be the same as in other cases.]

NEW SECTION. Sec. 19. This 1974 amendatory act is necessary for the immediate

preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Substitute Senate Bill No. 3312.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3312, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Durkan, Fleming, Francis, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—43.

Absent or not voting: Senators Connor, Dore, Greive, Herr, Twigg—5.

Excused: Senator Newschwander—1.

SUBSTITUTE SENATE BILL NO. 3312, 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 Mardesich, the Senate commenced consideration of the House Message on Engrossed Third Substitute Senate Bill No. 2940.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2940, with the following amendments:

On page 1, line 5 of the title, after “appropriation” insert “; and declaring an emergency”.

On page 2, line 8, of the engrossed bill, after “1977” insert “: PROVIDED, HOWEVER, That nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder”.

On page 4 of the engrossed bill add a new section as follows:

“*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 is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Peterson (Lowell) moved that the Senate concur in the House amendments to Engrossed Third Substitute Senate Bill No. 2940.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: “I would like to ask Senator Peterson a question if he would yield.

Senator Peterson, I have not had a chance to check with the House members. It was explained here on the floor that the emergency clause was not necessary, that all the licenses had been issued already and April 15 was the deadline. Would you explain to me why the emergency clause is needed now?"

Senator Peterson (Lowell): "Senator Rasmussen, I was not the one who said the emergency clause was not needed. As I recall, I think that was your remark that the emergency clause was not needed. I rather acquiesced that it was and that by not using the emergency clause anyone could buy a commercial fishing vessel between now and July 31, when the bill would take effect, and I think that is the reason that they reinserted the emergency clause."

MOTION

Senator Rasmussen moved that the Senate concur in the House amendments to page 1, line 5 of the title and page 2, line 8 inserting a proviso and not concur in the House amendment to page 4 adding a new section.

Debate ensued.

The positive motion by Senator Peterson (Lowell) carried and the Senate concurred in the House amendments to Engrossed Third Substitute Senate Bill No. 2940.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 2940, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 8; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Durkan, Francis, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Whetzel, Woodall, Woody—35.

Voting nay: Senators Bailey, Fleming, Grant, Odegaard, Rasmussen, Ridder, von Reichbauer, Washington—8.

Absent or not voting: Senators Connor, Dore, Greive, Herr, Sandison—5.

Excused: Senator Newschwander—1.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2940, 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 Lewis (Harry), Senator Newschwander was excused.

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 2906.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2906, with the following amendments:

On page 2, line 16 after "Federal" strike all the material down to and including "1857)" on line 17 and insert "Noise Control Act of 1972 (86 Stat 1234; 42 U.S.C. Sec. 4901-4918 and 49 U.S.C. Sec. 1431)", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Washington, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2906.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2906, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel—39.

Voting nay: Senators Canfield, Guess, Rasmussen, Talley, Twigg, Woodall, Woody—7.

Excused: Senators Greive, Herr, Newschwander—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2906, 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.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Woodall, the appointment of STUART G. OLES as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF STUART G. OLES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Voting nay: Senator von Reichbauer—1.

Excused: Senator Newschwander—1.

PERSONAL PRIVILEGE

Senator von Reichbauer: "I had stood up just before you started the roll and I wanted to speak to Stuart Oles. I have nothing against the man personally, and I think he is doing a competent job while on the board. My objection to him is the fact that he has written letters to the editor of newspapers as well as spoken out on public issues, and while I do not want to infringe upon his rights as a citizen, I personally do not like to see members of the Public Disclosure Commission get involved in the political arena. That is all. I have nothing against him personally. It is just my own personal opinion."

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rasmussen, the appointment of MRS. EDITH KOGENHOP as a member of the State Personnel Board was confirmed.

APPOINTMENT OF MRS. EDITH KOGENHOP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day,

Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

MOTION

On motion of Senator Day, the appointment of CHARLES MORRIS as a Secretary of the Department of Social and Health Services was confirmed.

APPOINTMENT OF CHARLES MORRIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Absent or not voting: Senator Guess—1.

Excused: Senator Newschwander—1.

Senators Mardesich, Bailey and Peterson (Lowell) demanded a Call of the Senate. A Call of the Senate was ordered.

CALL OF THE SENATE

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present except Senator Newschwander who was previously excused.

MOTION

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate commenced consideration of the motion by Senator Lewis (Harry) that the Senate reconsider the vote by which the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

The motion by Senator Lewis (Harry) carried.

The President declared the question before the Senate to be reconsideration of the vote by which the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Woodall, Peterson (Lowell), Atwood, Canfield, Bailey, Washington, Sandison, Van Hollebeke and Greive.

The President declared the question before the Senate to be the roll call on reconsideration of the vote by which the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

ROLL CALL

The Secretary called the roll and the Senate refused to concur in the House amendments, on reconsideration, to Engrossed Substitute Senate Bill No. 3253 by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Durkan, Fleming, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Sandison, Stortini, Talley, Walgren, Washington—21.

Voting nay: Senators Atwood, Beck, Canfield, Clarke, Dore, Francis, Grant, Greive, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Ted), Rasmussen, Ridder, Scott, Sellar, Twigg, Van Hollebeke, von Reichbauer, Wanamaker, Whetzel, Woodall, Woody—27.

Excused: Senator Newschwander—1.

The Senate refused to concur in the House amendments, on reconsideration, to Engrossed Substitute Senate Bill No. 3253, and asks the House to recede therefrom.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, by Committee on Ways and Means—Revenue (originally sponsored by Representatives Sommers, Shipoch, Perry, Erickson, Bender and Blair):

Making revision to the timber taxation laws.

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 1185.

REPORT OF STANDING COMMITTEE

April 18, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, making revision to the timber taxation laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after the enacting clause strike sections 1 and 2 of the bill and insert the following:

"Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as amended by section 1, chapter 148, Laws of 1972 ex. sess. and RCW 82.04.291 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent;

(c) For timber harvested on or after October 1, 1974, the rate shall be [determined and fixed by the first session of the legislature commencing on or after January 1, 1973, whether regular or extraordinary, in accordance with the purposes and intent of RCW 84.33.180] *six percent*.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) On or before July 1, 1972 and as necessary thereafter, the department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Before September 1, 1972 for use during the fourth quarter of 1972 and all of 1973, and before December 1 of each year commencing with 1973, for use during the succeeding year, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. *If, on or before April 1 of any year commencing with 1975, the department shall determine that the stumpage value index as of January 1 of such year is greater or smaller, by ten percent or more, than the stumpage value index as of July 1 of the preceding year it shall, in the same manner prescribed for annual stumpage value determinations, prepare revised tables setting forth stumpage values. Such revised tables shall be applicable to timber harvested between July 1 and December 31 of such year, inclusive. The term stumpage value index as of any date shall mean a weighted average price of state and federal timber sales for all species during the twelve months prior to such date, such weighting to be based upon the actual volumes of the several species or subclassifications of timber harvested during the four most recent calendar quarters for which such information is available from tax returns filed by harvesters. Such index and the procedures to be followed in calculating it shall be further defined in regulations to be prepared by the department of revenue and reviewed by the ways and means committees of the house and senate prior to promulgation by the department.* Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the [forest tax committee established pursuant to RCW 84.33.180] *ways and means committees of the house and senate* prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before [October 31, 1972, with respect to stumpage values set by the department of revenue for the fourth quarter of 1972 and all of 1973, and on or before January 31 of each succeeding year commencing with 1974, with respect to stumpage values set by the department of revenue for such year.] *the sixtieth day after the date of final adoption of any stumpage value tables*, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax fund A and a state timber tax fund B, separate and apart from the state general fund. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax fund A and state timber tax fund B as follows:

YEAR OF COLLECTION	FUND A	FUND B
1973 through 1978	100%	0%
1979	75%	25%
1980	50%	50%
1981	25%	75%
1982 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and [December 31] *September 30*, 1974 inclusive. The revenues from such surtax shall be deposited in a separate fund designated the state timber reserve fund, which is hereby created in the state treasury separate and apart from the state general fund. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve fund pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such fund to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

[(10) Subsection (1) of this section is enacted to be fully effective commencing upon May 21, 1971, even though all rates of tax are not specified. The forest tax committee established pursuant to RCW 84.33.180 shall, as its first priority and in addition to its other responsibilities, develop a recommendation with respect to rates for presentation to the first session of the legislature commencing on or after January 1, 1972, whether regular or extraordinary.]

Sec. 2. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 92, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with 1980, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending *real* property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above);

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%
1974 through 1977	100%
1978	75%
1979	50%
1980	25%

On or before December 31 of each year commencing with 1972 and ending with 1980, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the [tenth] *twentieth* day of the second month of each calendar quarter, commencing February [10, 1973] *20, 1974* and ending November 10, 1981, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax fund A collected upon timber harvested in the preceding calendar quarter, but in no event shall any *such* quarterly payment to a taxing district, when added to [the] *such* payments made to such district the previous quarters of the same year, exceed, *respectively one-fourth, one-half, three-fourths, or the full amount* of the timber factor for such district determined in December of the preceding year.

The balance in state timber tax fund A, if any, after the distribution to taxing districts on November [10 each year commencing with 1973 and ending with 1981,] *20, 1974 and on the twentieth day of the second month of each calendar quarter commencing February 20, 1975* shall be transferred to the state timber reserve fund.

(3) If the balance in state timber tax fund A immediately prior to such [November 10 distribution to taxing districts] *twentieth day of the second month of each calendar quarter* is not sufficient to permit a payment of *one-fourth, one-half, three-fourths, or the full amount, as the case may be*, which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber reserve fund to state timber tax fund A.

(4) *If, after the transfer, if any, from the state timber tax fund A (pursuant to subsection (2) of this section) in August of 1974, the balance in the state timber reserve fund exceeds two million dollars, the amount of the excess shall be applied first, to reimburse the general fund for the portion of the appropriation to the department of revenue related to the activities of the forest valuation section, except that such reimbursement shall not exceed the actual expenditures for such section during the previous fiscal year, and if the amount of the excess is more than is necessary for such purpose, it shall be applied second, to reimburse the department of natural resources for expenses incurred in the classification of lands as required by this chapter, if any, during the previous fiscal year. If the amount of such excess is more than is necessary for reimbursement for such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner:*

(a) *The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;*

(b) *By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state on or before October 15: PROVIDED, That the state shall subtract from the amount of the regular property tax levy the respective amounts certified by the department of revenue and collect no more than such reduced amount;*

(c) The assessor shall subtract from the amount of the regular or special property tax levies of local taxing districts the respective amounts certified by the department of revenue and extend no more than such reduced amount of property taxes upon the tax rolls;

(d) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve fund, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) and (c) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber reserve fund such additional one-fourth amount due to the state.

The balance, if any, in the state timber reserve fund after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax fund B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

(6) On the tenth day of the second month of each calendar quarter commencing February 10, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax fund B collected upon timber harvested in the preceding calendar quarter.

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Bailey, Canfield, Lewis (Harry), Metcalf, Peterson (Ted), Scott.

The bill was read the second time by sections.

MOTIONS

Senator Durkan moved adoption of the committee amendment.

Senator Durkan moved adoption of the following amendment by Senators Durkan and Lewis (Harry) to the committee amendment:

On page 1, beginning on line 17 of the committee amendment after "percent" strike all material down to and including the period on line 22, and insert: "*and between October 1, 1974 and December 31, 1978, inclusive, six percent.*"

[(c) For timber harvested on or after October 1, 1974, the rate shall be determined and fixed by the first session of the legislature commencing on or after January 1, 1973, whether regular or extraordinary, in accordance with the purposes and intent of RCW 84.33.180;]

MOTION

Senator Dore moved that the following oral amendment be adopted:

On line 4 of the amendment by Senators Durkan and Lewis (Harry) to the committee amendment after "*six*" and before "*percent*" insert "*one-half.*"

Debate ensued.

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, I recognize that we do not have rules in the

Senate, but we have had the rule of common sense here for a lot of years under your leadership and an amendment to the amendment to the amendment is the effect of Senator Dore's motion. I believe it is incorrect and should not be considered by the Senate at this time. I would ask for a ruling based on Reed's and your common sense."

Debate ensued.

MOTION

Senator Mardesich moved that the rules be suspended and the oral amendment by Senator Dore to the amendment by Senators Durkan and Lewis (Harry) to the committee amendment be accepted.

RULING BY THE PRESIDENT

The President: "The President believes that the point established by Senator Harry Lewis is well taken and also makes good sense. However, if a majority of the members wish to decide otherwise, that is entirely up to the body."

PERSONAL PRIVILEGE

Senator Lewis (Harry): "I understand the difficulty that the majority party is having right now and I am in sympathy with this. This is a difficult situation. You have had a tough time with the budget. You have had a tough time with the House. I am in sympathy with Senator Durkan. He is upset and I can see why. But, Mr. President, speaking on a point of personal privilege, it just seems to me that because we have some difficulty that all logic should not leave this body, which has been a deliberative body, which has been a body that has done good work over the years. Certainly the majority leader or anybody else can make the kind of motion that we are talking about, but I would just hope on a personal privilege that we would permit the Chair to rule properly and not interrupt the Chair and follow some type of normal and good procedure, even though we are operating without rules."

POINT OF ORDER

Senator Durkan: "Mr. President, I do not think Senator Lewis is talking on his point of personal privilege. He is talking about what the Chair should do or not do. I think that he should contain himself to the point of personal privilege."

MOTION

Senator Dore moved that the amendment by Senators Durkan and Lewis (Harry) be laid upon the table.

Senators Lewis (Harry) and Talley demanded a roll call and the demand was sustained by Senators Mardesich, Francis, Van Hollebeke, Clarke, Atwood, Canfield, Peterson (Ted), Guss and Grant.

POINT OF INFORMATION

Senator Whetzel: "Can you tell us what the effect of the motion by Senator Dore is if it carries? Does that mean that we no longer have the Senate committee amendment or the bill before us?"

REPLY BY THE PRESIDENT

The President: "The Senate committee amendment is before the Senate, Senator Whetzel. Senator Dore's motion applied only to the Senator Durkan-Senator Lewis amendment to the amendment. A vote 'aye' will be to table the Lewis-Durkan amendment. A vote 'no' will keep the amendment to the amendment under the consideration of the Senate."

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Mr. President, will this not have the effect of reinstating the House's position of six and one-half rather than six? Is that correct?"

REPLY BY THE PRESIDENT

The President: "That is something of which the President is not aware, Senator."

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Is this not an amendment to the House amendment? It would not do that? Okay."

REPLY BY THE PRESIDENT

The President: "It is an amendment to the Senate committee amendment."

PARLIAMENTARY INQUIRY

Senator Talley: "Do I understand this right now? If we vote 'no,' the Senate amendment is still before us at six percent?"

REPLY BY THE PRESIDENT

The President: "A vote 'no' will keep the amendment to the Senate committee amendment under the consideration of the Senate."

PARLIAMENTARY INQUIRY

Senator Talley: "And that is the six percent amendment?"

REPLY BY THE PRESIDENT

The President: "The President believes that the matter can be clarified by reading of the amendment. This is a Senate amendment to Senate committee amendment to Engrossed Substitute House Bill No. 1185 by Senators Durkan and Harry Lewis. 'On page 1, beginning on line 17 of the committee amendment, after "percent" strike all material down to and including the period on line 22 and insert: "*and between October 1, 1974 and December 31, 1978, inclusive six percent.*" So your observation is correct, Senator Talley."

PARLIAMENTARY INQUIRY

Senator Whetzel: "Mr. President, do I understand that if the motion to table carries that the main question is still before us or is the main question lost? Under Reed's rules the main question is no longer before the body if a motion to table an amendment is carried. Under the Senate rules we had a special rule that excepted motions to table amendments but that did not carry the main question with it, but common parliamentary procedure is that the main question itself is no longer before the body if the motion to table the amendment is carried, and I am not certain whether we operate under Reed's rules or under our former Senate rules on this case."

REPLY BY THE PRESIDENT

The President: "The President's judgment is based on Senate rules and where Senate rules do not comply, Senator Whetzel, we refer to Reed's rules. Where they do not apply we refer to the Henry-Cherberg rules and then when they do not apply, we go to some Arabian tribal council."

"The President has already stated, Senator Whetzel, that in the event the motion to table carries, the main question which is the adoption of the Senate committee amendment will remain before the Senate."

The President declared the question before the Senate to be the motion by Senator Dore to lay upon the table the amendment by Senators Durkan and Dore to the committee amendment to Engrossed Substitute House Bill No. 1185.

ROLL CALL

The Secretary called the roll and the motion by Senator Dore carried by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Conner, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Herr, Keefe, Mardesich, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—27.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Ted), Scott, Sellar, Talley, Twigg, Wanamaker, Whetzel, Woodall—21.

Excused: Senator Newschwander—1.

The amendment by Senators Durkan and Lewis (Harry) to the committee amendment was laid upon the table.

Senator Dore moved adoption of the following amendment by Senators Dore and Durkan to the committee amendment:

On page 1, beginning on line 17 of the committee amendment, after "percent" strike all material down to and including the period on line 22, and insert: "*and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent.*"

[c) For timber harvested on or after October 1, 1974, the rate shall be determined and fixed by the first session of the legislature commencing on or after January 1, 1973, whether regular or extraordinary, in accordance with the purposes and intent of RCW 84.33.180;]

POINT OF INQUIRY

Senator Lewis (Harry): "Mr. President, if the majority leader would sit down I would like to ask Senator Durkan a question. As the co-chairman of the Forest Tax Committee, I would be very interested in hearing his remarks on his shift in position to six and one-half percent and then I would like to speak after he explains that issue."

Senator Durkan: "Mr. President and members of the Senate, as chairman of the Senate Ways and Means Committee, my responsibility is not just to pass a timber tax bill. My responsibility is to pass also a budget bill and many other bills that are important to this state. The budget bill which the Republican Party saw fit to sink by being locked in is much more important than any timber tax bill that might pass this state today, tomorrow or next year."

Debate ensued.

Senators Mardesich, Sandison and Lewis (Harry) demanded the previous question and the demand was sustained.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Atwood, Greive, Woodall, Metcalf, Clarke, Rasmussen, Jones, Wanamaker and Canfield.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Dore and Durkan to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—28.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Henry, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Scott, Sellar, Talley, Twigg, Wanamaker, Whetzel, Woodall—20.

Excused: Senator Newschwander—1.

MOTIONS

Senator Talley moved that further consideration of Engrossed Substitute House Bill No. 1185 be indefinitely postponed.

Debate ensued.

The motion by Senator Talley failed on a voice vote.

Senator Woody moved adoption of the following amendment to the committee amendment:

On page 1, section 1, beginning on line 23 of the Senate committee amendment to Engrossed Substitute House Bill No. 1185, add a new subsection as follows:

"(d) Notwithstanding the provisions of paragraph (c) above, between October 1, 1974 and December 31, 1978, for each individual harvester who shall harvest not more than two hundred thousand board feet within a calendar year, the rate shall be four and one-half percent for the amount harvested: PROVIDED, That the department of revenue may adopt rules and regulations providing for alternate methods of effectively applying the rate provided for in this paragraph, including but not limited to harvest value adjustments."

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Would Senator Woody yield to a question? As I understand, your amendment would provide a separate section to the bill so that if it did get into a constitutional question this paragraph could be stricken and could be severed from the rest of the bill?"

Senator Woody: "That is correct. I am certain that Senator Durkan will again raise the constitutional problem. There may be one."

MOTIONS

On motion of Senator Durkan, the amendment by Senator Woody to the committee amendment was laid upon the table.

On motion of Senator Durkan, the following amendments by Senators Durkan and Lewis (Harry) to the committee amendment were adopted:

On page 7, line 2, after "November" and before ", 1981" strike "10" and insert "[10] 20".

On page 7, line 17, after "1975" and before "shall" insert "*and ending November 20, 1981*".

Senator Durkan moved adoption of the following amendment to the committee amendment:

On page 7, section 2, line 29 of the Senate committee amendment to Engrossed Substitute House Bill No. 1185, after "(4)" strike all the matter down to and including "manner:" on page 8, line 11, and insert the following: "*If, after the transfer, if any, from the state timber tax fund A (pursuant to subsection (2) of this section in August of any year commencing with 1974, the balance in the state timber reserve fund exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve fund, for activities undertaken by the department of revenue forest valuation section and for the activities undertaken by the department of natural resources relating to classification of lands as required by this chapter: PROVIDED, That within the 1973-75 biennium, the state treasurer shall transfer from the state timber reserve fund to the state general fund an amount equal to actual expenditures of the department of revenue related to the activities of the forest valuation section no later than August 31, 1974 and August 31, 1975, for the fiscal year just completed. If the amount of such excess is more than is necessary for reimbursement for*

such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner."

Debate ensued.

POINT OF INQUIRY

Senator Greive: "Would Senator Lewis yield to a question? Senator, and I am sincere about this, I just simply – you have told how hard you worked, but I do not know why it is bad."

Senator Lewis (Harry): "Senator Greive, the principal argument is from the Department of Revenue itself. The people there have told me that they will have a great deal of difficulty in the technical administration of this distribution system. And that is the principal argument. Beyond that it is a judgment area, whether you just want to dump the additional money back in.

"Now what we are talking about is we have amendments before us which provide that we are going to add five million dollars out of the reserve fund to be distributed back to local taxing districts. This is to cover inflation. There were objections from the House and from some of you. In addition to that, we are going to add and increase that amount by six percent a year. In addition to that, out of that reserve fund we are going to pay for all the costs involved by the Revenue Department in the administration of the act. In addition to that, we are going to pay all the costs of the study of land evaluation that the Department of Natural Resources will be doing. All of these things come out of the reserve fund. Now this amendment says in addition to that, 'we want eighteen million dollars dumped back in.' Now orderly procedure in the judgment of the Forest Tax Committee recommended that we hold this and be careful because the reserve fund's purpose is to guarantee that no local taxing district will get any less under this excise tax system than it did under the ad valorem. We now know that that will not be the case. We know that the rate is generating substantially more money than we predicted. So in effect what we are doing is reaching into the honey pot and throwing it back in a distribution system which in my judgment is not fair and is not as easy to administer as the Revenue Department's. It is a judgmental thing, Senator Greive. My judgment says no. I hope that you will agree with me."

Further debate ensued.

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

On motion of Senator Durkan, the following amendments to the committee amendment were adopted:

On page 8, section 2, line 22 of the Senate committee amendment to Engrossed Substitute House Bill No. 1185, after "*October 15*" strike all the matter down to and including "*(d)*" on line 31 and insert "*;* *(c)*".

On page 9, section 2, line 2 of the Senate committee amendment to Engrossed Substitute House Bill No. 1185 after "*(b)*" and before "*above*" strike "*and (c)*".

On motion of Senator Durkan, the following amendments by Senators Durkan and Lewis (Harry) to the committee amendment were adopted:

On page 9, line 29, after "on the" and before "day" strike "tenth" and insert "[tenth] *twentieth*".

On page 9, line 30, after "February" and before ", 1979" strike "10" and insert "[10] 20".

Senator Sandison moved adoption of the following amendment to the committee amendment:

On page 10, of the Senate committee amendment to Engrossed Substitute House Bill No. 1185, add a section as follows:

"Sec. 3. Section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 90, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.050 are each amended to read as follows:

(1) In preparing the assessment roll as of January 1, 1971 for taxes payable in 1972, the assessor of each timber county shall list all timber within such county on January 1, 1971 at the 1970 timber value. For each year commencing with 1972, the assessor of each

timber county shall prepare a timber roll, which shall be separate and apart from the assessment roll, listing all timber within such county on January 1, 1972 at values determined as follows:

(a) For the five years commencing with 1972, the value shall be the 1970 timber value;

(b) For each succeeding five year period, the first of which commences on January 1, 1977, the value shall be such 1970 timber value increased or decreased in proportion to the percentage change, if any, which has occurred between the last year of the preceding five year period and 1973 in the average stumpage value per unit of measure of all timber harvested in such county. Such percentage change shall be determined by the department of revenue on the basis of information contained in the excise tax returns filed pursuant to RCW 82.04.291.

(2) As used in subsection (1) of this section, "1970 timber value" means the value for timber calculated in the same manner and using the same values and valuation factors actually used by such assessor in determining the value of timber for the January 1, 1970 assessment roll, except that if a revised schedule of such values and valuation factors was applied to some but not all timber in a county for the January 1, 1970 assessment roll, such revised schedule shall be used by the assessor for any timber revalued for the 1971 or 1972 assessment rolls, and except that if the value of timber in any county on January 1, 1970 was not separately determined and shown on such assessment roll, 1970 timber value shall mean the value reconstructed from available records and information in accordance with rules to be prescribed by the department of revenue.

(3) The assessor of each timber county shall add to the assessment roll showing values of property as of January 1 of the years listed below, an "assessed valuation" of the portion, indicated below opposite each such year, of the value of timber as shown on the timber roll for such year. Such assessed valuation shall be calculated by multiplying such portion of the timber roll by the assessment ratio applied generally by such assessor in computing the assessed valuation of other property in his county. The dollar rates, calculated pursuant to RCW 84.33.060 for each taxing district within which there was timber on January 1 of such year, shall be extended against such "assessed valuation" of timber within such district as well as against the assessed value of all other property within such district as shown on such assessment roll.

YEAR	PORTION OF TIMBER ROLL
1972	75%
1973	45%
1974 and thereafter	None

(4) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1 following the designation of the land upon which such timber stands pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, but only if the value of such timber was not separately determined and shown on the assessment roll as of either January 1, 1970 or January 1, 1972 [;].

(5) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1st following the sale or transfer of the land upon which such timber stands from an ownership in which such land was exempt from ad valorem taxation to an ownership in which such land is no longer exempt.

(6) The value of timber shall be deleted from the timber roll upon the sale or transfer of the land upon which such timber stands to an ownership in which such land is exempt from ad valorem taxation.

(7) *A county may correct their timber inventory subject to the approval and under the direction of the department of revenue: PROVIDED, That the program is undertaken at county expense; AND PROVIDED FURTHER, That all corrected inventories be completed by December 31, 1975. A corrected inventory shall consist of the existing timber inventory minus all inventory removed since the date of last deletion from inventory plus all new inventory that can be substantiated and certified by the department of revenue: PROVIDED, That such new inventory is adjusted to 1970 values."*

Renumber the remaining sections of Engrossed Substitute House Bill No. 1185 consecutively and renumber any internal cross references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be adoption of the committee amendment, as amended.

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

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

On page 1, line 4, of the title of Engrossed Substitute House Bill No. 1185, after "82.04.291;" and before "amending" insert "amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 90, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.050;"

MOTION

On motion of Senator Durkan, Engrossed Substitute House Bill No. 1185, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senators Durkan, Grant and Lewis (Harry) demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1185, as amended by the Senate.

ROLL CALL

The Secretary called the roll and Engrossed Substitute House Bill No. 1185, as amended by the Senate, passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Odegard, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—29.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Henry, Jones, Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Scott, Sellar, Talley, Twigg, Wanamaker, Whetzel, Woodall—19.

Excused: Senator Newschwander—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, as amended by the Senate, having received the 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 Lewis (Harry) served notice that he would move for reconsideration of the vote by which the Senate passed Engrossed Substitute House Bill No. 1185, as amended by the Senate.

PARLIAMENTARY INQUIRY

Senator Durkan: "Mr. President, on a motion to reconsider, are we operating under a simple majority? By that, the majority can reconsider at any time that it has twenty-five votes?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Durkan."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 1276.

SECOND READING

HOUSE BILL NO. 1276, by Representatives Charette, Eikenberry and Kelley (by Attorney General's request):

Defining exempted transactions under the consumer protection act.

REPORT OF STANDING COMMITTEE

April 16, 1974.

HOUSE BILL NO. 1276, defining exempted transactions under the consumer protection act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 20, after "19.86.020" and before the period insert "*PROVIDED FURTHER, That actions or transactions specifically permitted within the statutory authority granted to any regulatory board or commission established within Title 18 RCW shall not be construed to be a violation of chapter 19.86 RCW*".

Signed by: Senators Francis, Chairman; Atwood, Bottiger, Clarke, Marsh, Twigg, Woodall.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

Senator Dore moved adoption of the following amendment:

Strike everything after the enacting clause and insert:

"*NEW SECTION. Section 1. There is added to chapter 19.86 RCW a new section to read as follows:*

Notwithstanding the provisions of chapter 46.70 RCW, the provisions of chapter 19.86 RCW shall be applicable to any and all fraudulent practices and representations of motor vehicle dealers and salesmen as defined in RCW 46.70.011."

Debate ensued.

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

MOTION

On motion of Senator Francis, House Bill No. 1276, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1276, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

HOUSE BILL NO. 1276, having received the constitutional 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 Mardesich, the Senate commenced consideration of Engrossed House Bill No. 1292.

SECOND READING

ENGROSSED HOUSE BILL NO. 1292, by Representatives Kopet and Charette (by State Treasurer and Office of Program Planning and Fiscal Management request):
Abolishing war veterans' funds when no obligations remain payable therefrom.

REPORT OF STANDING COMMITTEE

April 17, 1974.

HOUSE BILL NO. 1292, abolishing war veterans' funds when no obligations remain payable therefrom (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after section 1 add new sections to read as follows:

"Sec. 2. Section 13, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.120 are each amended to read as follows:

No certificate or claim for compensation under this chapter shall be accepted after [twelve o'clock noon one year after the termination date referred to in RCW 73.34.020 (1)] *March 28, 1975*, nor shall any warrant be drawn for the payment of any compensation authorized by this chapter unless a formal application has been filed on the day set forth above.

The state treasurer and his authorized agents shall have until March 28, 1976, to process all applications filed pursuant to this chapter and microfilm all records pertaining thereto.

NEW SECTION. Sec. 3. This 1974 amendatory act (EHB 1292) and another measure before this third extraordinary session of the forty-third legislature (SSB 2017) each purport to amend RCW 73.34.120, but in different respects. It is the intention of the legislature that if both such bills shall be enacted by this session, the provisions of SSB 2017 shall take precedence over the amendments to RCW 73.34.120 contained in this bill (EHB 1292).

NEW SECTION. Sec. 4. This 1974 amendatory 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, in line 1 of the title, after "veterans;" and before "amending" strike "and".

On page 1, in line 2 of the title after "73.32.130" and before the period insert "; amending section 13, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.120; creating a new section; and declaring an emergency."

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Mardesich, Marsh, Metcalf, Peterson (Ted), Sandison, Scott.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I think that is the amendment that extends the date March 28, 1975 for the war veterans' compensation. I would like to ask the chairman of the Ways and Means Committee."

Senator Durkan: "Mr. President, the purpose of this bill will permit the state to recapture about two point nine million dollars. The fund has met its obligations and the purpose of passing this bill is to put back into the general fund that excess that is left over."

Senator Rasmussen: "I think it was on the first amendment."

Senator Durkan: "That is right. The amendment transfers all the money remaining in the war veterans' compensation fund from that fund back to the general fund. That is the purpose of the amendment."

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

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Durkan, Engrossed House Bill No. 1292, 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 Woodall: "Would Senator Durkan yield? I know we voted a bonus for the Korean veteran. Did one go through for Viet Nam?"

Senator Durkan: "Yes, it did, Senator. We have voted a Viet Nam bonus bill."

Senator Woodall: "But you feel that by January of 1975 those will all be paid?"

Senator Durkan: "Yes, they will be."

Senator Woodall: "We have the money?"

Senator Durkan: "Yes."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1292, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

ENGROSSED HOUSE BILL NO. 1292, as amended by the Senate, having received the constitutional 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 Bailey, Engrossed House Bill No. 1292, as amended by the Senate, was ordered immediately transmitted to the House.

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

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1183, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1269, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 90, and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 779, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 29, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed SUBSTITUTE HOUSE BILL NO. 869, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed SENATE BILL NO. 2156, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2562,
 SENATE BILL NO. 3062,
 SUBSTITUTE SENATE BILL NO. 3200,
 SENATE BILL NO. 3380.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 1363.

SECOND READING

ENGROSSED HOUSE BILL NO. 1363, by Representatives Bagnariol, Hendricks, Bausch and Ceccarelli:

Providing for public employment retirement.

REPORT OF STANDING COMMITTEE

April 17, 1974.

ENGROSSED HOUSE BILL NO. 1363, providing for public employment retirement (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 9, after "employee" and before "who" insert "*not previously retired*".

On page 8, line 22, after "this" and before the comma, strike "chpater" and insert "chapter".

Signed by: Senators Durkan, Chairman; Donohue, Vice Chairman; Odegaard, Vice Chairman; Atwood, Canfield, Mardesich, Marsh, Metcalf, Peterson (Ted), Sandison, Scott.

The bill was read the second time by sections.

On motion of Senator Durkan, the committee amendments were adopted.

Senator Fleming moved adoption of the following amendment:

On page 2 following section 1, add a new section as follows:

"Sec. 2. section 13, chapter 274, Laws of 1951 as last amended by section 5, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(1) Persons in eligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such application for those taking elective office for the first time after May 21, 1971 shall be submitted within eight years of the beginning of their initial term of office; AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority; AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee; AND PROVIDED FURTHER, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide; AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190 or 41.40.185;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to

an elective office on or after April 1, 1971 shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010 (4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over five hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system."

Renumber the remaining sections consecutively.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? I see nothing wrong with the amendment, Senator, but this is in effect the Uhlman amendment in reverse, where they passed a law saying that an elected mayor of the city of Seattle could still stay in the state retirement system and the city would have to pay his portion. This is going in reverse to the Uhlman amendment. Thank you."

Senator Fleming: (no audible reply)

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

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

On page 10, section 12, line 29 of the printed bill after "provisions of" and before "this" insert "sections 1 and 3 through 12 of".

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

On line 3 of the title after "RCW 41.40.030;" and before "amending" insert "amending section 13, chapter 274, Laws of 1951 as last amended by section 5, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.120;"

On motion of Senator Durkan, Engrossed House Bill No. 1363, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1363, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-48.

Excused: Senator Newschwander-1.

ENGROSSED HOUSE BILL NO. 1363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 2906,
 THIRD SUBSTITUTE SENATE BILL NO. 2940,
 SUBSTITUTE SENATE BILL NO. 3312.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 1316.

SECOND READING

HOUSE BILL NO. 1316, by Representatives Newhouse, Sommers, Bagnariol and Rabel:

Prohibiting the sale and limiting the lease of university tract properties.

The bill was read the second time by sections.

On motion of Senator Durkan, House Bill No. 1316 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1316, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

HOUSE BILL NO. 1316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 29,
 SUBSTITUTE HOUSE BILL NO. 869.

MOTION

Senator Mardesich moved that the Senate reconsider the vote by which the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

PARLIAMENTARY INQUIRY

Senator Atwood: "Is there any rule that obtains that the man who voted on the prevailing side has to make the motion?"

REPLY BY THE PRESIDENT

The President: "That has been customary, Senator."

MOTION FOR RECONSIDERATION

On motion of Senator Woody, the Senate moved to reconsider the vote by which the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

POINT OF ORDER

Senator Dore: "Didn't we reconsider this once already?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Dore."

PARLIAMENTARY INQUIRY

Senator Dore: "Is not that the final action then of the body, under Reed's Rules?"

REPLY BY THE PRESIDENT

The President: "Under former Senate rules, yes, Senator."

POINT OF INFORMATION

Senator Dore: "Would you rule on my point of order then, Mr. President?"

REPLY BY THE PRESIDENT

The President: "The Senate is not operating under the Senate rules, Senator. It is operating under majority rule."

REMARKS BY SENATOR DORE

Senator Dore: "I understand that, but I have raised a point of order. I would appreciate it if you would rule on my point of order."

RULING BY THE PRESIDENT

The President: "The President ruled, Senator, that the majority of the members may do as they wish."

REMARKS BY SENATOR GREIVE

Senator Greive: "It would seem to me that somewhere you should be able to find some precedent for that. Reed's rules only permits it once. Roberts only permits it once. Ours only permits it once. I wonder, either there are no rules or you have just concocted a new rule."

REMARKS BY SENATOR DAY

Senator Day: "I believe in the front of Reed's it says in the absence of rules and until they are adopted that the majority rules."

REMARKS BY SENATOR GREIVE

Senator Greive: "In answer to Senator Day, Reed, Roberts, all but codifications of the law as parliament handed down from the time of England and in the absence of any rule, you follow that which has been precedent. I would also strongly suggest to the Governor

that the precedent has been that we do not permit a reconsideration more than once and we have followed that precedent, if I am not mistaken, since the advent of the special session last January.”

REMARKS BY SENATOR DURKAN

Senator Durkan: “As I understand, the President has ruled.”

REPLY BY THE PRESIDENT

The President: “Yes, Senator Durkan.”

PARLIAMENTARY INQUIRY

Senator Dore: “In light of your ruling then, I assume that if the action is changed, if I am on the prevailing side, then I can again give notice of reconsideration and we can go on indefinitely having two, three, four or ten motions of reconsideration. When will final action ever be consummated under such a ruling that you have made?”

REMARKS BY SENATOR MARDESICH

Senator Mardesich: “The answer is, of course, that while the bill is before you, you may do as you wish. Once having transferred the bill to the House, you no longer can. A motion then is in order to transmit.”

PARLIAMENTARY INQUIRY

Senator Woodall: “I would like to inquire of the Secretary through you, was not a message sent to the House advising them that we had failed to concur and ask them to recede therefrom?”

REPLY BY THE PRESIDENT

The President: “The Secretary advises that such a message was not sent, Senator Woodall.”

PARLIAMENTARY INQUIRY

Senator Woodall: “Has it not always been a rule that, failing to concur, a rejection of concurrence is an automatic request of the other body to withdraw?”

REPLY BY THE PRESIDENT

The President: “Such a message was being prepared, Senator Woodall, but has not been completed.”

POINT OF INFORMATION

Senator Dore: “Is there some reason why the message was not completed?”

REPLY BY THE PRESIDENT

The President: “It has been a very, very busy day, Senator.”

REMARKS BY SENATOR CLARKE

Senator Clarke: “Mr. President and members of the Senate, I would suggest to the body that we are here facing a situation which I think could create a very dangerous

precedent. Unless we have some finality in any of the actions that we take here, and I am addressing this not to the President, because I think the President made a correct ruling that perhaps the majority of the body may do anything that it deems proper. But if we adopt a precedent without rules, and we have been operating without rules more or less as a regular thing instead of what we normally do is to adopt rules and abide by them, and we have gotten along pretty well because, by and large, we have followed the general rules of parliamentary procedure. But I would suggest to the body that they think very carefully before they create a precedent which in substance is contrary as far as I know to any and all rules of parliamentary procedure. Now I think that we can justly be criticized as supposedly a parliamentary body to proceed in this completely irresponsible manner. It means that when we take votes they do not mean anything because we can change our minds. Now any judicial body must have a degree of finality. And if we do not act with some responsibility around here I think we are just completely losing stature. So while I will agree as far as the President is concerned that in the absence of rules he of necessity is bound by the proposition that the body can do whatever it may deem it wants to do. But the body is where the responsibility should rest and if we are going to operate in this type of a manner, we are just in a shambles."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, I would certainly agree with Senator Clarke that next January we should adopt rules and I am going to vote with him to adopt rules. In the meantime, I think the responsible thing is to proceed with what we are doing here and I think it is the only responsible thing we can do."

PARLIAMENTARY INQUIRY

Senator Van Hollebeke: "Mr. President, this is just a point of parliamentary inquiry. Did we have a ruling earlier this evening on another issue that we were following both the old Senate rules and Reed's rules where the Senate rules do not fill in? Didn't we? On another issue? I thought that was it. I am asking. I remember we did get to the Arabian rules, yes, Senator Jones. I think that was an Arabian tribal council as I recall, yes. I am asking if there was a ruling then and if we are being inconsistent now if the Chair rules otherwise."

RULING BY THE PRESIDENT

The President: "The President considers Senator Woody's motion in a sense a suspension of the rules under which we have been conducting the Senate. It seems as if the majority of the members wish to reconsider the vote, that is their privilege."

PERSONAL PRIVILEGE

Senator Dore: "I would just like to kind of join with Senator Clarke in his comments. Of course, Reed's rules, like Roberts, presupposes there are no rules but there are some lines of order set forth, and on page 132 of Reed's rules it reads, 'A question can be reconsidered but once, but if on reconsideration amendment has been made making a substantial change, a second reconsideration can be had. A vote on reconsideration cannot be reconsidered.' Very clearly it says that. That is based on no rules. That is just good parliamentary procedure and I think if that is not the ruling of the Chair, we might as well throw the books away. They really do not mean anything."

RULING BY THE PRESIDENT

The President: "The President really thinks not, Senator. The Senate has been conducting its business by majority rule. The President is quite familiar with what Reed's says. In answer to your earlier inquiry, if motions are of a dilatory nature, the President will disregard them because, after all, it is the President's responsibility to see that business is

conducted in an orderly procedure. Senator Woody's motion has been recognized and has been announced. The President rules that it is in order. If the members wish to overrule the President, that is certainly their privilege."

REMARKS BY SENATOR WOODALL

Senator Woodall: "I concur in the remarks of Senator Clarke so far as the way you have ruled, but I would like further inquiry. Can we keep this up until midnight, assuming that this next motion to reconsider fails? Will a fourth time be in order and a fifth time be in order after that? And can we keep voting on this one measure until midnight?"

RULING BY THE PRESIDENT

The President: "The President should also like to point out that the Senate in its wisdom has already voted on the question of whether or not to reconsider. The majority has decided that by voice vote. The Senate itself decided to reconsider the vote by which the motion was originally lost; therefore, the point is not timely."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I move that that motion be laid upon the table."

REPLY BY THE PRESIDENT

The President: "It has already been acted upon and carried, Senator."

Senator Rasmussen: "We are to reconsider?"

The President: "The question before the Senate is the motion by Senator Woody to concur in the House amendments to Engrossed Substitute Senate Bill No. 3253."

Senator Dore demanded a roll call and the demand was sustained by Senators Canfield, Atwood, Rasmussen, Jones, Ridder, Clarke, Wanamaker, Van Hollebeke and Lewis (R. H. "Bob").

The President declared the question before the Senate to be the motion by Senator Woody that the Senate, on reconsideration, concur in the House amendments to Engrossed Substitute Senate Bill No. 3253.

ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments, on reconsideration, to Engrossed Substitute Senate Bill No. 3253, by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, von Reichbauer, Walgren, Washington, Woody—25.

Voting nay: Senators Atwood, Beck, Canfield, Clarke, Dore, Greive, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Ted), Rasmussen, Scott, Sellar, Talley, Twigg, Van Hollebeke, Wanamaker, Whetzel, Woodall—23.

Excused: Senator Newschwander—1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3253, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3253, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bailey, Bottiger, Connor, Day, Donohue, Durkan, Fleming, Francis, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson

(Lowell), Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—26.

Voting nay: Senators Atwood, Beck, Canfield, Clarke, Dore, Greive, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Ted), Rasmussen, Scott, Sellar, Talley, Twigg, Wanamaker, Whetzel, Woodall—22.

Excused: Senator Newschwander—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3253, 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 Mardesich, Engrossed Substitute Senate Bill No. 3253, as amended by the House, was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Mardesich: "Simply as a matter of clarification, I should like to quote from Reed's rules, Rule 23: 'Rule of the Majority.—Unless by organic law or by virtue of rules adopted by an assembly, the number required for an affirmative decision is increased above a majority, the majority rules. The general principal of decision is the natural one that the majority shall govern. Any increase in the requirement is, of course, in the interest of conservatism.'"

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 1407.

SECOND READING

HOUSE BILL NO. 1407, by Representatives Sommers and Randall:

Defining "adopted child" for purposes of the inheritance land gift tax laws.

The bill was read the second time by sections.

Senator Whetzel moved adoption of the following amendment:

On page 2, section 1, line 16, after "adoption" and before the period insert "": PROVIDED, That all adopted stepchildren and adopted lineal descendants of a grandparent or of a brother, or sister of the spouse of any adopting party qualify as an "adopted child" for the purposes of this section, regardless of their age on date of adoption".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Whetzel yield to a question? Senator Whetzel, what would be the difference in the rate between a class A recipient and the rate that would be paid by, and I presume that you are talking bloodline on this nephew or niece business, what is the difference in the rates?"

Senator Whetzel: "It is a sliding scale, as you know, Senator. It is in the bill. Initially there is the exemption and the A rates are — there is five thousand dollars for each person in the A class and it starts at one percent on twenty-five thousand dollars, goes up in increments of about a percent per twenty-five thousand dollars. In most cases these people — if they are not adopted — they would be in the C class which does not have an exemption and starts at ten percent at ten thousand dollars. So it is quite a substantial difference on even a very modest estate."

Senator Rasmussen: "That is my question, Senator Whetzel. Your amendment, as I understand it, would allow for instance, if I were your nephew and fifty years from now

when you have five hundred million instead of the hundred million you have now, you decide to adopt me. . . .”

Senator Whetzel: “You did not read my F-1 report, Senator.”

Senator Rasmussen: “I read the part that you did not file. My question is this, you decide at that time that you have done enough on earth and you are going to depart this vale and you decide to adopt me, and I am in a class. . . .”

Senator Whetzel: “That would never happen.”

Senator Rasmussen: “Senator Woodall, would you give him his binoculars back? This is a serious question. What you are doing, Senator Whetzel, is putting this nephew or niece in the class, as a class C recipient where the tax rate would be much higher, and let me assure you that this is, as I heard the testimony up in the Ways and Means Committee, this was exactly what the reason was for tightening it up, so that they could not decide that they did not need their money any more and they were going to pass it on. They were going to pass it on in the cheapest way possible. And that is what you are doing with your amendment. Well, it takes relatives far removed, yes, and makes them eligible for the lower tax rate and it is quite a bit lower. That is my question. Up in the Ways and Means Committee this was exactly why they were proposing this change and now he is loosening it up, I believe.”

Senator Whetzel: “In response, Senator Rasmussen, you know we have debated, you and I, on rules and regulations of departments and you have been for legislative review of them because you do not like the rules and regulations. You think they are too tough. Now this is a case where I differ with you. I think when you take a broad sweeping provision taking out of this all adopted children over eighteen, there just are some situations of hardship, of situations that I think everyone in this body would think should be entitled to a better treatment and that is what my amendment is trying to do is to alleviate from a rather broad sweeping provision situations that I think each of us know about that we would like to have treated in a more equitable manner.”

POINT OF INQUIRY

Senator Woodall: “Will Senator Whetzel further yield? I will admit that I have not read the bill. I am interested in this question though. Are there guidelines as to how long someone has to be in a home before you are entitled to consider him as a son or a daughter or anything of that nature?”

Senator Whetzel: “No.”

Senator Woodall: “So there are no guidelines. So then each case you would be trying to prove to George Kinnear that under this certain set of circumstances a child that was not yours either by nature or by adoption. . . .”

Senator Whetzel: “No, they would have to be adopted. All have to be adopted, Senator. As the law is now you can apparently adopt anyone, even someone who is not a blood relative, and anyone you adopt, for example, if you wanted to adopt Senator Twigg, he could then inherit as your son and be a class A beneficiary. That is what the law is today. This bill changes that situation so that regardless, if you adopted Senator Twigg when he was under eighteen, he could inherit as class A under this bill. You cannot adopt adults, and what I am saying is that there are certain circumstances where people raise close relatives in their homes. They never consider adopting them because they are related and they do not feel the necessity to do it and they overlook that and they come along too late and they want them to inherit as their child and there is a way open now in the law and I am trying to leave that open a little bit for those close relatives and get rid, as the bill is trying to do, of adopting people who are not related who are adults.”

Senator Woodall: “I understand. You said all that before, but my question is, as I understood Senator Clarke in supporting you as saying there were some people who forgot to adopt and that therefore under this bill they could be considered as a child even though they were not your child, natural or adopted. Is not that what you are saying under this bill?”

Senator Whetzel: “Only if they are adopted before they are eighteen. After eighteen then you could adopt them but they would, unless they were your children, actual children, they would have to be treated as a different class of beneficiary.”

Senator Woodall: "Now I am confused because Senator Clarke said that there were some hardship cases where, by your amendment, they would be entitled to be treated as children even though they were not adopted."

Senator Whetzel: "That is the purpose of my amendment, to give a limited class that treatment of those who are adopted under eighteen if they are adopted over eighteen."

Senator Woodall: "In other words, now we are back again to the other thing I asked. Under your amendment, the so-called hardship amendment or the person who forgot to adopt, are there guidelines as to what the person had to do or how long they had to be in the home?"

Senator Whetzel: "No, there are not in that respect, Senator. There are in terms of relationship to the adopting party."

Senator Woodall: "What relationship do they have to be?"

Senator Whetzel: "They have to be adopted stepchildren, adopted lineal descendants of a grandparent or of a brother or a sister of a spouse of any adopting party."

Senator Woodall: "Now you are telling me they have to be adopted. Senator Clarke says there are some hardship cases where they do not have to be adopted."

Senator Whetzel: "No, they must all be adopted. The question is the age at which they are adopted, Senator."

Senator Woodall: "Then is yours tightening or liberalizing?"

Senator Whetzel: "It is liberalizing. The overall bill is tightening. My amendment is liberalizing the tightening. Now is that clear?"

Senator Woodall: "No. It is loosening. . . ."

Senator Whetzel: "This is like reducing the reversion?"

Senator Woodall: "Yes. As you now have it, all adopted stepchildren and adopted lineal descendants of any grandparent or brother or sister of spouse of any adopting party qualify as an adopted child for the purposes of this section regardless of their ages on date. So you could adopt a nephew late in life."

Senator Whetzel: "After he is eighteen."

Senator Woodall: "Yes. And the bill tightens it as to adopting other people?"

Senator Whetzel: "That is correct."

Senator Woodall: "But you are leaving a threshold here for those of this degree of relationship to do it later?"

Senator Whetzel: "That is correct."

Senator Woodall: "All right. Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Dore: "Would Senator Whetzel yield? I listened very carefully to debate. It is late at night and I did not go back into it, but does your bill provide that they do not have to adopt or does the adoption have to be consummated before the death?"

Senator Whetzel: "They do have to adopt, but what I am saying is you do not have to adopt by the age of eighteen because I am afraid some of these people may not have lawyers as able as Senator Bottiger and Senator Woodall, or they may not have lawyers at all and may not know about this provision in the law and maybe defer and only consider this problem later in life and then wish they had adopted and find out that they cannot."

Senator Dore: "Is the present law eighteen years old? Is that the delineation?"

Senator Whetzel: "The present law has no limit. Any adopted child is entitled to the class A rates."

Senator Dore: "Regardless of age?"

Senator Whetzel: "Regardless of age, regardless of the time. . . ."

Senator Dore: "I do not understand your change. That is what I do not get."

Senator Whetzel: "The bill limits that to adoption of persons prior to the time they reach the age of eighteen, so anyone who is adopted after that age would not be eligible for treatment under the inheritance tax laws."

Senator Dore: "Then you except out those close relations. Is that the idea?"

Senator Whetzel: "Even though under the laws of intestacy they would be entitled to

inherit as children and in fact you would have to make some provision for them in the will, they are still not entitled under the inheritance tax laws to be treated as children.”

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

There being no objection, the amendment by Senator Whetzel to page 3, section 2, line 16 on the Secretary's desk was withdrawn.

On motion of Senator Donohue, House Bill No. 1407 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 Whetzel, House Bill No. 1407 was re-referred to the Senate Committee on Ways and Means.

PERSONAL PRIVILEGE

Senator Peterson (Lowell): “I just wanted to tell the body that the can of salmon that is on your desk is in appreciation for the vote by which Senate Bill No. 2940 passed this body for the second or third time, and even those of you who might have made a fishy vote against it, perhaps if you would listen to Senator Ted Peterson over there and myself and followed us around for the last five years working the mechanics of this thing we might even have had a unanimous vote.”

MOTION FOR RECONSIDERATION

Senator Lewis (Harry) having served notice, Senator Mardesich moved that the Senate now reconsider the vote by which Engrossed Second Substitute House Bill No. 1185, as amended by the Senate, passed the Senate.

Senator Bottiger demanded a roll call and the demand was sustained by Senators Sandison, Durkan, Washington, Connor, Stortini, Talley, Rasmussen, Metcalf and Woody.

POINT OF INQUIRY

Senator Lewis (Harry): “I wonder if Senator Durkan would yield to a question? Senator Durkan, it would be my purpose, if I could gain your support, to make a motion to reconsider the vote on the rate portion of the bill which is six and one-half. It would be my purpose then if we could reconsider and defeat that to put a six percent rate in. This is my purpose but I do not want to take a lot of the time of the Senate. Would you support me in such a motion and help me try to reach that point so that the Senate could reconsider the vote on the rate portion of the bill?”

Senator Durkan: “Senator Lewis, my vote on reconsideration will be ‘no’.”

PARLIAMENTARY INQUIRY

Senator Woody: “We are now voting on whether or not to reconsider the vote and an ‘aye’ vote is to reconsider the vote and a ‘nay’ vote is not to reconsider the vote?”

REPLY BY THE PRESIDENT

The President: “Yes, Senator.”

The President declared the question before the Senate to be the motion by Senator Mardesich to reconsider the vote by which the Senate passed Engrossed Second Substitute House Bill No. 1185, as amended by the Senate.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Mardesich failed by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Scott, Sellar, Talley, Twigg, Wanamaker, Whetzel, Woodall—19.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Rasmussen, Ridder, Sandison, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—29.

Excused: Senator Newschwander—1.

MOTION

On motion of Senator Mardesich, Engrossed Second Substitute House Bill No. 1185, as amended by the Senate, was ordered immediately transmitted to the House.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 3220, by Senators Donohue and Odegaard:

Making an appropriation for the operation of state government.

The time having arrived, the Senate commenced consideration of Senate Bill No. 3220. The bill was read the second time by sections.

Senator Durkan moved adoption of the following amendment:

On page 1 strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. Out of the appropriation to be distributed on the basis of \$30 per FTE pupil (or as much as may be available for each FTE enrolled pupil) under section 33, page 51, of Reengrossed Substitute Senate Bill No. 3253 (chapter . . . , Laws of 1974 1st ex. sess.), not more than \$9,500,000 of such appropriation to be distributed on such per FTE pupil basis shall be used for insurance benefits as provided by law, effective July 1, 1974, for each eligible certificated and classified employee in the district an additional monthly contribution of \$15 per employee to employee insurance programs, and it is the intent of the legislature that as to the remainder of such funds to be distributed to those districts levying an excess levy for maintenance and operation purposes for 1975 collection, first priority in the use thereof shall be for the purpose of special levy relief in such districts.

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."

POINT OF INQUIRY

Senator Woodall: "Would Senator Durkan yield? Have you had a study or a legal opinion that we can appropriate the money on a different basis based upon whether it carried, did not carry, or they did not try to put one on?"

Senator Durkan: "Senator Woodall, yes, it seems that this is a reasonable classification as far as the appropriation is concerned. It is a matter of opinion, but those who are experts in it from the Superintendent's office to others that we have consulted, including our staff, see no difficulty with this language on the manner of the appropriation."

POINT OF INQUIRY

Senator Atwood: "Would Senator Durkan yield? Senator Durkan, I take it that you wish to mandate the fifteen dollars. That is one of the parts of this particular thing."

Senator Durkan: "That is the purpose of the proviso, yes."

Senator Atwood: "Did you discuss with the House why they did not do that in this?"

Senator Durkan: "I think, Senator, they thought that they had done it in their proviso and I am sure you read it the way that it read that the rollback provision of the proviso would not have left any moneys available for the health care premium insurance benefit."

Senator Atwood: "Thank you, Senator Durkan."

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

On motion of Senator Durkan, Engrossed Senate Bill No. 3220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3220, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Whetzel, Woody—35.

Voting nay: Senators Atwood, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Scott, Twigg, Wanamaker, Woodall—13.

Excused: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 3220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Mardesich, all bills passed to this moment were ordered immediately transmitted to the House.

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 1504.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1504, by Committee on Social and Health Services (originally sponsored by Representatives Adams and Parker):

Enacting the "health act of 1974".

The bill was read the second time by sections.

On motion of Senator Day, Substitute House Bill No. 1504 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1504, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Voting nay: Senator Canfield—1.

Excused: Senator Newschwander—1.

SUBSTITUTE HOUSE BILL NO. 1504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute Senate Bill No. 3194.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 3194, with the following amendments:

On page 1, line 9 of the title after "41.26.260;" and before "and" insert the following: "repealing section 17, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.16.146; repealing section 18, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.18.105;"

On page 1 strike everything after the enacting clause and insert the following:

"Section 1. Section 38, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 37, Laws of 1970 ex. sess. and RCW 41.16.145 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 as now or hereafter amended, shall be increased annually as hereafter in this section provided. [The present benefits payable under RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 on July 1, 1969 shall be increased two percent each year using as a basis for such two percent increase, the amount of present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.] *The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.*

[As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable.] Each year effective with the July payment all benefits specified herein, shall be increased [two percent as authorized] by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative [but shall not be compounded]. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term "Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 2. Section 33, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 37, Laws of 1970 ex. sess. and RCW 41.18.104 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 and 41.18.100 as now or hereafter amended, shall be increased annually as hereafter in this section provided. [The present benefits payable under RCW 41.18.040, 41.18.080 and 41.18.100 on July 1, 1969 shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.] *The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.*

[As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable.] Each year effective with the July payment all benefits specified

herein, shall be increased [two percent] as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative [but shall not be compounded]. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term "Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 3. Section 34, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 37, Laws of 1970 ex. sess. and RCW 41.26.250 are each amended to read as follows:

All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. [On July 1, 1969 such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.] *The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.*

[As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable.] Each year effective with the July payment all benefits specified herein, shall be increased [two percent] as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative [but shall not be compounded].

For the purpose of this section the term "Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 4. Section 35, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.260 are each amended to read as follows:

All benefits presently payable pursuant to the provisions of RCW 41.20.085 which are not related to the amount of current salary attached to the position held by the deceased member, shall be increased annually [as hereafter in this section provided. On July 1, 1969 such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded] *in the same manner and to the same extent as provided for pursuant to section 3 of this 1974 amendatory act.*

NEW SECTION. Sec. 5. The following acts or parts of acts are each hereby repealed:

- (1) Section 17, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.16.146; and
- (2) Section 18, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.18.105.

NEW SECTION. Sec. 6. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and

its existing public institutions, and shall take effect immediately.”, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate concurred in the House amendments to Substitute Senate Bill No. 3194.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3194, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

SUBSTITUTE SENATE BILL NO. 3194, 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 Mardesich, the Senate commenced consideration of the House Message on Senate Bill No. 3169.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed SENATE BILL NO. 3169, with the following amendments:

On page 1, line 2 of the title, after “9.26A RCW;” strike the remainder of the title and insert “and amending section 1, chapter 144, Laws of 1955, as last amended by section 1, chapter 75, Laws of 1972 1st ex. sess., and RCW 9.45.240; and adding a new section.”

On page 1, line 19, strike all of section 2 and insert the following:

“Sec. 2. Section 1, chapter 144, Laws of 1955, as last amended by section 1, chapter 75, Laws of 1972 1st ex. sess., and RCW 9.45.240 are each amended to read as follows:

(1) Every person who, with intent to evade the provisions of any order of the Washington public service commission or of any tariff, rule or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name of telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit or fraudulent device, shall be guilty of a misdemeanor: PROVIDED, HOWEVER, That if the value of the telephone or telegraph service which any person obtains in violation of this section during a period of ninety days exceeds seventy-five dollars in the aggregate, then such person shall be guilty of a gross misdemeanor: PROVIDED FURTHER, That as to any act which constitutes a violation of both this [1972 act] subsection and RCW 9.26A.050 the provisions of RCW 9.26A.050 shall be exclusive.

(2) Every person who:

(a) Makes, possesses, sells, gives or otherwise transfers to another an instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message; or

(b) Sells, gives or otherwise transfers to another plans or instructions for making or assembling an instrument, apparatus or device described in subparagraph (a) of this subsection with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus or device shall be guilty of a gross misdemeanor.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendments to Senate Bill No. 3169.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3169, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-48.

Excused: Senator Newschwander-1.

SENATE BILL NO. 3169, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Substitute Senate Bill No. 3146.

MESSAGE FROM THE HOUSE

April 20, 1974.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3146, with the following amendments:

On page 1, section 2, line 17, strike "of one-half".

On page 2, section 2, line 3, strike "one-half of".

On page 2, section 3, line 13, strike "state capitol committee" and insert "department of general administration".

On page 2, section 3, line 20 strike "state capitol committee" and insert "department of general administration".

On page 3, section 5, line 8, strike "one-half of".

On page 3, section 5, line 8, after "appropriation" insert ",".

On page 3, section 5, line 29, strike "one-half of", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTIONS

Senator Rasmussen moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3146.

Senator Whetzel moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3146.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Will Senator Whetzel yield to a question? You mentioned that some of the state agencies already were building the one percent into their calculations. Now is this without authorization?"

Senator Whetzel: "They are doing it when we appropriate money. They brought the project to the legislature and said, you know, this is what they are going to do. In effect, yes, it is authorized in their budget, it is part of their construction budget. The Highway Department has done that. Some of the projects under the State Capitol Committee and some of the colleges are doing it."

Senator Metcalf: "Thank you, Senator Whetzel. I just believe that one of the complaints that we hear is the excess of cost and perhaps the artistic accouterments in the buildings and I think maybe one-half of one percent is probably good enough. I wonder what would happen if we put this half of one percent up to a vote of the people. I am not so sure that they would go along with one percent."

POINT OF INQUIRY

Senator Canfield: "Will Senator Whetzel yield? Senator, did you say that the cost would be from zero to one percent on the sliding scale or a mandatory one or what?"

Senator Whetzel: "We are setting it in this bill as in effect the agency will have a policy of one percent. When it comes before you, this does not bind the Appropriations Committee, of course, and when we make an appropriation for Evergreen or someplace and we want to cut it back as we did on the new state office building under construction we can say zero."

Senator Canfield: "You would control it through the appropriation then?"

Senator Whetzel: "Yes. What this bill does besides in effect establishing in general what the policy will be so we will have some uniformity under the departments, it provides for the administration of it, how it is going to be handled, what is included in the one percent. We have taken all of the administrative costs out of the one percent and we have also provided that if the bid comes in less than the appropriation, under ninety percent, the one percent would be reduced pro rata so there are a number of safeguards built in here in addition to legislative supervision."

Senator Canfield: "Mr. President and members of the body, I like art. As I look at this building I often wish that we had some of these blank walls covered with appropriate murals, but in spite of that I am not sure just what we mean by art. Now I have been to the capitals of various states and I have seen some very lovely paintings in the corridors and the rotundas setting forth the beauties and resources of a state. I think that is very fine and very attractive, but when I go down to some of our buildings like one down here, across Capitol Way, I think that alleged work of art is a monstrosity. I have seen some other works of art that if they are works of art, then I am George Washington. Now I saw a work of art at the Puyallup Fair. All it was was a black square. I painted them when I was about five years old and I do not call that a work of art. One of them had a piece of a bed spring and a piece of horse manure framed and that is art. Now if they want to call that art all right, but I do not say that it should be at public expense. Now I think it would be fine to have works of art in public buildings and I do not mean to belittle art, because I like art. I like music, I like drama, I like most of these cultural things, but to make it mandatory and to be halted only by withholding appropriations, I think, is the wrong process."

Debate ensued.

POINT OF INQUIRY

Senator Woodall: "I would like to ask of someone, are we by this measure giving to any group of people the power to decide what paintings are ultimately put inside this building?"

Senator Whetzel: "No, Senator, this only applies to the original construction of new buildings so we will have to wrestle through this problem ourselves without any help from this bill."

Further debate ensued.

POINT OF INQUIRY

Senator Talley: "I would like to ask Bob Lewis one question. Senator Lewis, would you yield? Senator Lewis, in the interest of art and the necessities, is it true that in Expo '74 they forgot to build any lavatories?"

Senator Lewis (R. H. "Bob"): "I told you I was not qualified to debate art with you. Or even lavatories."

MOTIONS

On motion of Senator Whetzel, the question was divided.

Senator Whetzel moved that the Senate concur in the House amendments to page 1, line 17; page 2, line 3; page 3, line 8 and page 3, line 29.

POINT OF INQUIRY

Senator Washington: "Would Senator Whetzel yield? Does this mean it is up to one percent? It is not a maximum of one percent. I believe this is the ceiling, is it not?"

Senator Whetzel: "It is specified as an amount of one percent of the appropriation. The purpose of this is that quite frequently, in fact all too frequently, in capital construction of state buildings under the tight cost squeeze, when it gets around to the things that have made this particular capitol building one of the most attractive ones in America like the bronze urns outside in the great areaway there and some of the statues and the fountain that is on this particular campus, those things get left out and cut out and that is the reason why it is put in here, so that they would consider that, unless of course, the legislature decided when they appropriated the money otherwise."

The motion by Senator Whetzel failed.

MOTION

Senator Rasmussen moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3146, and ask the House to recede therefrom.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Is it true that you serve on the Capitol Committee?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Rasmussen."

POINT OF INFORMATION

Senator Rasmussen: "And is it true that you can recognize true works of art, as Senator Whetzel has said?"

REPLY BY THE PRESIDENT

The President: "The President once took a course in the history of renaissance art from Professor Lucas of the University of Washington."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, that satisfies me and I still move nonconurrence on the House amendments. I would think you would serve very well on that committee."

The motion by Senator Rasmussen carried and the Senate refused to concur in the

House amendments to Engrossed Substitute Senate Bill No. 3146, and asks the House to recede therefrom.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3253.

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 2562,
SUBSTITUTE SENATE BILL NO. 2906,
THIRD SUBSTITUTE SENATE BILL NO. 2940,
SENATE BILL NO. 3062,
SUBSTITUTE SENATE BILL NO. 3200,
SUBSTITUTE SENATE BILL NO. 3312,
SENATE BILL NO. 3380, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 90,
SUBSTITUTE HOUSE BILL NO. 779,
HOUSE BILL NO. 1269, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed HOUSE BILL NO. 1316, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed HOUSE BILL NO. 1183, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed Third Substitute House Bill No. 1274.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1274, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1274, by Committee on Education (originally sponsored by Committee on Education):
Implementing teachers' retirement act.

MOTIONS

On motion of Senator Mardesich, Engrossed Third Substitute House Bill No. 1274 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, Engrossed Third Substitute House Bill No. 1274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Canfield: "Would Senator Durkan yield? Senator, has this the approval of the Pension Commission?"

Senator Durkan: "This was submitted to the Pension Commission, Senator. I have had no adverse comment from the Pension Committee on the bill. Senator Odegaard has told me that it has been approved by the Pension Commission."

Senator Canfield: "I do not have any objection to the bill per se, but I am much concerned that these various pension and retirement bills shall all be cleared through the Pension Commission and that is what I wanted to be assured of."

Senator Durkan: "It was cleared, as Senator Odegaard pointed out."

Senator Canfield: "Thank you, Senator."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Durkan yield to a question? Senator Durkan, I have not had a chance to study this bill. What is the fiscal impact?"

Senator Durkan: "We put in the budget two point two million dollars, Senator, to fund this measure."

Senator Rasmussen: "For the remainder of the biennium?"

Senator Durkan: "No, if funded for these increases it will fund it for this biennium. That is correct."

Senator Rasmussen: "And does the bill only pick up those retired people and makes no other changes?"

Senator Durkan: "That is correct. It picks up those — it does increase the death benefit from four hundred to six hundred dollars. It only takes those who have retired previous to 1970. As I stated, they get the eleven percent, and those who retired between 1970 and 1973 get two percent increase."

Senator Rasmussen: "There was one bill kicking around here I read that made quite a number of changes in teachers' retirement and added quite a bit to the unfunded liability and it did seem to me that that allowed them to pick up prior service and a number of other things. Now if this bill only picks up those who have retired and brings them up to a living retirement, then I would be very much for it."

Senator Durkan: "Senator, to be candid, the first section of the bill, it does permit the members to establish credit for services rendered previously for a five year period. It does do that."

Senator Rasmussen: "That will add to the unfunded liability?"

Senator Durkan: "At the present time we have appropriated sufficient funds so it will not be. There is no unfunded liability with the appropriation. Of course, in the next biennium you are going to be required to fund it again."

Senator Rasmussen: "Thank you, Senator Durkan."

Debate ensued.

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, as I understand it there were about eleven members who did not get credit for prior service under a previous pension bill that passed last year, and this one section would bring in those eleven people. Without this particular section of the bill, as I am told anyway, it could cause quite a problem for the

Teachers' Retirement Board. It will probably mean possibly a lawsuit or whatever because these people were not included in the prior service section of the bill that we passed last year."

POINT OF INQUIRY

Senator Atwood: "Will Senator Odegaard yield? Just so that everybody is very clear on what the additional unfunded liability this bill creates, would you give the figure?"

Senator Odegaard: "The amount that was included in the budget?"

Senator Atwood: "No, I am talking about the unfunded liability after this biennium so that everyone clearly understands what they are voting on."

Senator Odegaard: "You mean of the Teachers' Retirement System unfunded liability or. . ."

Senator Atwood: "The additional unfunded liability created by this bill to the TRS. I believe it is around eight point seven million, but I am not sure and I. . ."

Senator Odegaard: "I do not have that figure, Senator."

Senator Atwood: "I was told earlier today that the bill created additional unfunded liability of eight point seven. Now the TRS administrator is in the wings. He should know."

MOTIONS

On motion of Senator Durkan, Engrossed Third Substitute House Bill No. 1274 was made a special order of business on third reading for 11:45 p.m. tonight.

Senator Grant moved that the Senate now commence consideration of Engrossed Substitute House Bill No. 1341.

On motion of Senator Mardesich, the motion by Senator Grant was laid upon the table.

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 1366.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1366, by Committee on Transportation and Utilities (originally sponsored by Representatives Martinis, Perry, Berentson and Rabel):

Authorizing termination on revision of public works contracts affected by increased petroleum prices.

The bill was read the second time by sections.

MOTION

On motion of Senator Walgren, Engrossed Substitute House Bill No. 1366 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1366, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-48.

Excused: Senator Newschwander-1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1366, having received the constitu-

tional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 90,
 SUBSTITUTE HOUSE BILL NO. 779,
 HOUSE BILL NO. 1183,
 HOUSE BILL NO. 1269,
 HOUSE BILL NO. 1316.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Substitute House Bill No. 473.

MESSAGE FROM THE HOUSE

April 19, 1974.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 473:
 Page 11, Section 2, Subsection 18 (d),
 Page 12, Section 3, Subsection 1;
 Page 12, Section 3, Subsection 3;
 Page 14, Section 4, Subsection 2;
 Pages 16 and 17, Section 4, Subsection 10;
 Page 20, New Section Sec. 6; notwithstanding the Governor's veto., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Van Hollebeke moved that the Senate pass Substitute House Bill No. 473, notwithstanding the Governor's vetoes overridden by the House.

POINT OF INQUIRY

Senator Day: "Would Senator Van Hollebeke yield to a question? The question, Senator, isn't one of these sections here the local option and should not that be separated? I think that was a good veto, that particular part of it. Separate that local option out of there and pass the rest of it and you will have a good bill."

Senator Van Hollebeke: "Senator Day, do you know what section that is?"

Senator Day: "Page 20, Senator. Page 20, new section 6, isn't it?"

Senator Whetzel: "I think the one that Senator Day is referring to on page 20 is the veto that provides that in the exercise of local option the city or county cannot prohibit a bona fide charitable or nonprofit organization from conducting social card games and that this veto, I think, has the support of a number of members of this body because they feel that these organizations ought to be subject to the same local option as any other organization. A profit organization is conducting social card games and a city council or county commissioners ought to have complete power to authorize or prohibit any form of social card game."

MOTION

Senator Atwood moved that the motion by Senator Van Hollebeke be amended to divide the question and the Governor's veto to page 20, new section 6, to Substitute House Bill No. 473 be considered separately.

PARLIAMENTARY INQUIRY

Senator Peterson (Lowell): "If we take this in sections as is now being proposed before the body, do the bills then have to go back to the House for concurrence, or is this enacted now?"

REPLY BY THE PRESIDENT

The President: "Senator Peterson, it depends on what vetoes the Senate overrides, that is the same ones that the House overrode."

PARLIAMENTARY INQUIRY

Senator Peterson (Lowell): "Then my question is, Mr. President, if we divide the question and override the vetoes, then the bill is passed and it does not have to go back to the House?"

REPLY BY THE PRESIDENT

The President: "The bill is passed, yes."

The motion by Senator Van Hollebeke, as amended by Senator Atwood, carried.

PARLIAMENTARY INQUIRY

Senator Atwood: "I take it that Senator Van Hollebeke only meant by his motion to include those vetoes, the three other ones that the House overrode because the bill contains several other vetoes. You are not suggesting we override all of them?"

REPLY BY THE PRESIDENT

The President: "The only ones before the Senate are the ones that the House overrode."

PARLIAMENTARY INQUIRY

Senator Van Hollebeke: "As I understand it, Mr. President, we are voting to concur in all the vetoes that the House overrode except that final one on page 20."

REPLY BY THE PRESIDENT

The President: "That is the President's understanding."

The President declared the question before the Senate to be the motion by Senator Van Hollebeke, as amended by Senator Atwood, that the Senate pass Substitute House Bill No. 473, notwithstanding the Governor's vetoes, with the exception of the proviso on page 20, new section 6.

MOTION FOR RECONSIDERATION

Senator Bottiger moved that the Senate reconsider the vote by which the question was divided.

PARLIAMENTARY INQUIRY

Senator Woodall: "Had not I just already demanded the previous question and it was sustained?"

REPLY BY THE PRESIDENT

The President: "Senator Bottiger, the motion to divide by Senator Atwood was placed and was acted favorably upon."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I have been over to the House and I did not get in on all this, but my fight on local option I do not think was particularly in this section. If I recall it, the Governor vetoed the section of local option as related to card games. My fight on local option and Senator Sellar's fight with me, I think, related to the general overall gambling that could be rejected in part or in toto by any local area. I am still for local option, but this is a little bit different than our amendment was on the floor."

REMARKS BY SENATOR ATWOOD

Senator Atwood: "Just so everyone is clear on what the veto did, it took out a great big hole in this gambling bill because it says, the way the proviso as it passed here, and I voted no on the whole bill, just so everyone understands, it says that a county or city may not prohibit a bona fide charitable or nonprofit organization from conducting social card games where licensed to do so, etc. The minute we take that out, the city of Seattle is going to have trouble with clubs like the Lifeline and all those so-called nonprofit and charitable clubs that the scandals were all about, because they were bona fide as far as licensing and everything, but they were run as professional gambling operations. This gives the city of Seattle a check on this type of operation and gives them a handle so that they could not issue a license or prohibit it and I think, as far as I am concerned, if you put these all together I am not going to vote to override any of those, and I think anybody else is just asking for a lot of trouble and especially in King County in the city."

POINT OF INQUIRY

Senator Bottiger: "Senator Atwood, would you yield to a question and if it clears it up, I will withdraw my motion? My concern was that a local unit of government, a small town out in the hinterlands, have the local option to reject gambling in their area if they wished to do so, and I think your response or your earlier statement would indicate that that is in another section that the Governor did not veto."

Senator Atwood: "That is right. This is something else again and it has created a huge hole in the enforcement provisions, especially in King County and maybe in Pierce County. Probably not so much in the little cities but, boy, this is something you could drive a truck through, and the Governor took it out. I think the attorneys general will tell you this. Anybody who has had anything to do with gambling will tell you that this really put a hole in the bill."

MOTION

On motion of Senator Bottiger, there being no objection, the motion for reconsideration on dividing of the question was withdrawn.

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President and members of the Senate, this set of vetoes, I am going to vote 'no' on the override of all of them and so you will know where I am coming from, I have not seen anybody very excited about overriding these particular vetoes and I

want to go through them with you because I would like to defeat them and quickly so that we can get on to more important business.

"Now the first thing I have to tell you is that the important vetoes were not overridden by the House. The things that some of you are genuinely concerned about here just are not in front of us. Such as the emergency clause so that we could do something about Expo '74 and so forth. Those things, the House did not override those vetoes. The House overrode basically on three subjects. One was admission charges. You know, the Governor vetoed the allowance of charging an admission. He said in his veto message, if you read it, that this is often usable as a subterfuge and a means of making card games into a professional thing by charging admission to get into the card game. And so he vetoed in two places those sections that allowed charge of admission. Now you remember the discussions here on the floor and all of the things that went into it and I think there were some valid reasons for allowing an admission charge, but that is what the Governor vetoed. The House overrode that. Now I do not think that is all that important. I think we could let it ride for at least a year while we look at it and just let it ride.

"Now he also vetoed the allowance of bringing guests for card games. Most of his vetoes, in fact I would say basically all the rest of them, relate to cards, card games. Allowing guests for card games and then one, he vetoed a section that allowed cards as a trade stimulant, along with pinballs and pull tabs. He vetoed another section on cards, on page 14, section 4, subsection (2).

"Then the final veto, really, that local option, was only the local option relating to card games. Now all he did with his veto was allow a local prohibition of card games. We already had the local optional prohibition on the other aspects and this really in that sense made it consistent with the rest of the act, and I kind of go along with Senator Bottiger. I think there ought to be a consistent statewide policy rather than a local option, but we have it. It ought to remain consistent, probably. I do not think that these particular small ones here went to the guts of any of the things that any of you are really concerned about. So I think it is a waste of our time to be even bothering with it and I think we ought to vote this down rapidly and move on to some legislation that we can do some good with."

REMARKS BY SENATOR WOODALL

Senator Woodall: "Now so there be no mistake, Senator Francis says to let this go for a little while. Let us get very plain. If action is not taken at this session, which is the first meeting after this, then you have no second chance to override this veto. It will be a brand new legislature, which means that if you do not act on it tonight, this bill automatically dies and it means that you will have to start a new bill running through next January and go through this process all over again. So do not kid yourselves and say let us let it rest for awhile. If this bill is not acted on tonight, it is really at rest."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Francis yield to a question? Senator Francis, if we do not vote with the House to override these vetoes, where do we leave this issue on card rooms? I do not like to see where only the private clubs are allowed to have card rooms. Where would that stand? Can you please help me on that?"

Senator Francis: "I will answer a general question with a general answer and say it leaves us with much more limited card rooms. It still allows the card games, but much more tightly limited than we had before."

Senator Van Hollebeke: "Where would it allow them?"

Senator Francis: "It is right here. You go through the bill and you see basically members can play cards, but you do not charge an admission to a card game and you do not bring guests to a card game so that it is a matter of playing it in a private club."

Senator Van Hollebeke: "It allows them in private clubs, but it does not allow them in nonprivate places, in public places."

Senator Francis: "I would have to go back and check the exact wording on that."

Senator Van Hollebeke: "Okay. What I am trying to get at is to find out if any of these vetoes affected that part. I thought I understood from your earlier remarks that it really does not."

Senator Francis: "No, it does not. The things I have mentioned are all that are affected by the vetoes, that is the guests and the membership fees and the local prohibition of card games."

PARLIAMENTARY INQUIRY

Senator Van Hollebeke: "As a point of parliamentary inquiry, having made the motion myself, I do not think any motion has ever been voted on here, contrary to what a couple of statements that were made earlier, may I withdraw my motion to concur in the House override?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Van Hollebeke."

MOTION

On motion of Senator Van Hollebeke, the motion that the Senate pass Substitute House Bill No. 473, with the exception of the proviso to page 20, new section 6, notwithstanding the Governor's vetoes overridden by the House, was withdrawn.

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President and members of the Senate, I cannot understand the motion by Senator Van Hollebeke. I have stood on the floor twice in these session, not too many weeks ago, and I said that the little pool halls and the little home towns like I have, had the right to play cards the same as the private clubs. Now tonight we have a chance to override the Governor's veto and let these small-town pool halls have cards the same as anyone else."

MOTION

Senator Knoblauch moved that the Senate pass Substitute House Bill No. 473, notwithstanding the Governor's vetoes, overridden by the House, with the exception of the proviso to page 20, new section 6.

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, maybe you did clarify that, but we would be voting only on overriding those items that were overridden in the House?"

REPLY BY THE PRESIDENT

The President: "With the one exception, Senator. The members separated the question earlier, and the President assumed that is what Senator Knoblauch wanted."

ROLL CALL

The Secretary called the roll and the motion by Senator Knoblauch carried. The Senate passed Substitute House Bill No. 473, notwithstanding the Governor's vetoes, overridden by the House, except the Governor's veto to page 20, new section 6, overridden by the House, by the following vote: Yeas, 32; nays, 16, excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Connor, Day, Donohue, Fleming, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R.

H. "Bob"), Mardesich, Marsh, Matson, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Woodall, Woody—32.

Voting nay: Senators Clarke, Dore, Durkan, Francis, Greive, Guess, Jones, Metcalf, Murray, Peterson (Ted), Sandison, Scott, Sellar, Wanamaker, Washington, Whetzel—16.

Excused: Senator Newschwander—1.

SUBSTITUTE HOUSE BILL NO. 473, having received the constitutional two-thirds majority, was declared passed notwithstanding the Governor's vetoes overridden by the House with the exception of the Governor's veto to page 20, new section 6. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INFORMATION

Senator Mardesich: "Does anyone want to vote on overriding of the proviso on page 20, new section 6?"

"Mr. President, would this still be before us if someone should make a motion?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

MESSAGE FROM THE HOUSE

April 19, 1974.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 541, notwithstanding the veto of the Governor, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Bottiger moved that the Senate pass Substitute House Bill No. 541, notwithstanding the Governor's veto.

Debate ensued.

ROLL CALL

The motion by Senator Bottiger carried and the Senate passed Substitute House Bill No. 541, notwithstanding the Governor's veto, by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Clarke, Connor, Day, Donohue, Dore, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Rasmussen, Sandison, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Washington, Woodall, Woody—33.

Voting nay: Senators Atwood, Canfield, Durkan, Fleming, Francis, Grant, Greive, Jones, Lewis (Harry), Murray, Peterson (Ted), Ridder, Scott, Wanamaker, Whetzel—15.

Excused: Senator Newschwander—1.

SUBSTITUTE HOUSE BILL NO. 541, having received the constitutional two-thirds majority, was declared passed notwithstanding the Governor's veto. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 1974.

Mr. President: The House has passed HOUSE BILL NO. 916, sections 1, 2 and 3 notwithstanding the Governor's vetoes, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Beck moved that the Senate pass House Bill No. 916, as passed by the House, notwithstanding the Governor's vetoes of sections 1, 2 and 3.

Debate ensued.

ROLL CALL

The motion by Senator Beck carried and the Senate passed House Bill No. 916 as passed by the House notwithstanding the Governor's vetoes of sections 1, 2 and 3 by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Odegaard, Peterson (Lowell), Rasmussen, Sellar, Stortini, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woodall, Woody—37.

Voting nay: Senators Francis, Greive, Mardesich, Murray, Peterson (Ted), Ridder, Sandison, Scott, Talley, Washington, Whetzel—11.

Excused: Senator Newschwander—1.

HOUSE BILL NO. 916, having received the constitutional two-thirds majority, was declared passed notwithstanding the Governor's vetoes of sections 1, 2 and 3. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration, on third reading, the special order of business, Engrossed Third Substitute House Bill No. 1274.

SPECIAL ORDER OF BUSINESS

THIRD READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1274, by Committee on Education (originally sponsored by Committee on Education):
Implementing teachers' retirement act.

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, Senator Atwood had asked about the cost to the House Bill No. 1274. We did not have the figures with us at the time. Since that time we have received the figures. The two point two million, of course, we did know that we did appropriate in the budget bill for fiscal year 1975, and for fiscal year 1976 the amount is two point one million that we have to face when we come here next January. Then the year after that it is two million and it keeps reducing down as the old retirees pass on. So there is an overall six year fiscal impact of about ten million dollars, Senator Atwood."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Third Substitute House Bill No. 1274.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1274, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf,

Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—47.

Voting nay: Senator Rasmussen—1.

Excused: Senator Newschwander—1.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 1288.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 1288, by Committee on Ways and Means (originally sponsored by Representative Randall):

Changing the interest rate on delinquent property taxes to eight percent.

MOTIONS

On motion of Senator Durkan, Substitute House Bill No. 1288 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, Substitute House Bill No. 1288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Durkan, there being no objection, Substitute House Bill No. 1288 was returned to second reading.

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

On page 2, line 23, after "Section" and before "Chapter" strike "79" and insert "74".

On page 4, line 10, after "districts." strike all of the material down to and including "God." on line 14.

On page 4, line 15, after "sections" and before "of" strike "2 through 5" and insert "3 through 6".

On page 5, line 5, after "Sections" and before "of" strike "2 through 5" and insert "3 through 6".

On motion of Senator Durkan, Engrossed Substitute House Bill No. 1288, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1288, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield; Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288, as amended by the Senate,

having received the constitutional 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 Rasmussen, Engrossed Substitute House Bill No. 1288, as amended by the Senate, was ordered immediately transmitted to the House.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3194.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 1181.

SECOND READING

ENGROSSED HOUSE BILL NO. 1181, by Representatives Luders, Kopet, Haussler, Bauer, Fortson, Gaines, Gallagher, Hansen, Hurley, Knowles, May, McCormick and Schumaker:

Providing for the sale of certain second class shorelands.

The bill was read the second time by sections.

Senator Whetzel moved adoption of the following amendment by Senators Washington and Whetzel:

Strike everything after the enacting clause and substitute the following:

"Section 1. Section 2, chapter 217, Laws of 1971 ex. sess. and RCW 79.01.470 are each amended to read as follows:

- (1) This section shall only apply to:
 - (a) First class tidelands as defined in RCW 79.01.020;
 - (b) Second class tidelands as defined in RCW 79.01.024;
 - (c) First class shorelands as defined in RCW 79.01.028; and
 - (d) Second class shorelands as defined in RCW 79.01.032.
- (e) *Waterways as described in RCW 79.01.428.*

(2) Notwithstanding any other provision of law, from and after August 9, 1971, all tidelands and shorelands enumerated in subsection (1) owned by the state of Washington shall not be sold except to public entities as may be authorized by law or *except as provided in section 2 of this 1974 amendatory act*, and shall not be given away.

(3) Tidelands and shorelands enumerated in subsection (1) may be leased for a period not to exceed fifty-five years: PROVIDED, That nothing herein shall be construed as modifying or canceling any outstanding lease during its present term.

(4) Nothing herein shall:

- (a) be construed to cancel an existing sale contract;
- (b) prohibit sale or exchange of beds and shorelands where the water course has changed and the area now has the characteristics of uplands;
- (c) prevent exchange involving state-owned tide and shorelands.

NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

An owner of property fronting upon publicly owned second class shorelands on freshwater navigable lakes who has constructed on the abutting shorelands an improvement having a replacement value of more than four hundred dollars prior to January 1, 1974 may apply for and shall upon such application be afforded the opportunity, prior to June 30,

1975, to purchase at the fair market value the abutting second class shoreland or so much as may be sufficient for the maintenance and use of such improvements unless the public interest is best served by maintaining such shoreland in state ownership for the benefit of the people of the state. It is recognized that the best public interest may be served by offering the second class shoreland for sale. If the board determines that it is not in the best public interest to offer one or more parcels of such second class shorelands for sale, the board shall state, in the notice to such applicant denying the sale, the specific reasons for so determining and shall provide for an opportunity for a "contested case" hearing of the decision in accordance with chapter 34.04 RCW if a hearing is requested within thirty days from the receipt of the notice.

NEW SECTION. Sec. 3. There is added to chapter 79.01 RCW a new section to read as follows:

Nothing in this 1974 act shall be construed to prevent the assertion of public ownership rights in publicly owned aquatic lands or the leasing of such lands when such leasing is not contrary to the statewide public interest.

The department of natural resources may require the payment of a use and occupancy fee in lieu of a lease where improvements have been placed without authorization on publicly owned aquatic lands.

NEW SECTION. Sec. 4. Section 121, chapter 255, Laws of 1927, section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484 are each hereby repealed.

NEW SECTION. Sec. 5. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Whetzel yield to a question? Senator Whetzel, section 2 provides an owner of property fronting upon publicly owned second class shorelands on freshwater navigable lakes who has constructed on the shorelands, that he can purchase the shorelands underneath that particular improvement. That is section 2. Then we move over to section 3 and it says, 'Nothing in this 1974 act shall be construed to prevent the assertion of public ownership rights in publicly owned aquatic lands.'"

Senator Whetzel: "Read the rest of that, Senator. 'Or the leasing of such lands when such leasing is not contrary to the statewide. . . .' That is really the important part on leasing, and section 3 was requested by the department because we are repealing in section 4 the law that conflicts with section 1 which we passed in 1971 dealing with the method of sale of abutting lands on shorelands, and section 3 does state that the department has the right to lease the land, and the first part of the sentence, I think, is in there to indicate that we are not saying that we are taking away any of the public ownership, which we are not intending to. We are doing it on a sale at fair market value from the department to the property owner."

Senator Rasmussen: "It would seem to me, Senator Whetzel, this is the Diamond Lake case where the department is asserting that they have the right to lease and they are not proposing to sell under section 3 you are still giving that right to lease and it still provides the old law would still be the same and so they will continue to insist on lease on this land rather than selling. There is nothing said that compels them to sell. It says they may be allowed to propose to purchase."

Senator Whetzel: "You may find some property owners do not want to buy. They can make, under section 2 which is taken from the House bill, in fact we liberalized it from a thousand to four hundred dollars, that they make application, they are afforded the opportunity to buy. Now there might be some overriding public interest where DNR does not want to offer it for sale. That is there. That has always been in all of our laws on the sale of shorelands. Senator Lowell Peterson prepared section 3 as a committee amendment and he can also speak to that."

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

On motion of Senator Whetzel, the following amendment by Senators Whetzel and Washington to the title was adopted:

On line 3 of the title, after "RCW;" strike "and" and on line 5, after "79.01.484" insert "; and declaring an emergency".

MOTION

On motion of Senator Whetzel, Engrossed House Bill No. 1181, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1181, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody-47.

Voting nay: Senator Mardesich-1.

Excused: Senator Newschwander-1.

ENGROSSED HOUSE BILL NO. 1181, as amended by the Senate, having received the constitutional 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 Mardesich, the Senate commenced consideration of Senate Bill No. 3102.

SECOND READING

SENATE BILL NO. 3102, by Senators von Reichbauer and Grant:

Providing for temporary appointments in case of vacancies in the office of United States Senator.

The bill was read the second time by sections.

On motion of Senator von Reichbauer, Senate Bill No. 3102 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Metcalf: "Would Senator von Reichbauer yield to a question? You know this is late at night. I think something has happened to the clock. I think it is considerably later than it indicates there, but it is late at night in emergency session. Is this emergency legislation that has to pass now? Is there some particular vacancy that may be occurring in the near future? Is there anything that you can tell us about the health or problems of any - is there any particular reason that we need to hurry on this right now? I have sort of a personal interest in this."

Senator von Reichbauer: "I think we all have a personal interest in filling a gap within our state statutes."

POINT OF INQUIRY

Senator Atwood: "Will Senator von Reichbauer yield? Is there something about Senator Magnuson's health we should know that creates this urgency?"

Senator von Reichbauer: "No, sir. Is there anything about Senator Metcalf's health that . . . ?"

Senator Atwood: "I do not know. I am asking about Senator Magnuson's. I know about his health."

Senator von Reichbauer: "I do not think Senator Jackson or Senator Magnuson are in ill health."

Senator Atwood: "Okay. Senator Magnuson has not had a recent physical that revealed something that we should know?"

Senator von Reichbauer: "No, sir, he has not."

Senator Atwood: "Okay."

Senator von Reichbauer: "I do not think it needs to be brought up."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3102, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Canfield, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—35.

Voting nay: Senators Atwood, Clarke, Guess, Jones, Lewis (Harry), Matson, Metcalf, Peterson (Ted), Sellar, Twigg, Wanamaker, Whetzel, Woodall—13.

Excused: Senator Newschwander—1.

SENATE BILL NO. 3102, having received the constitutional 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, Senate Bill No. 3102 was ordered immediately transmitted to the House.

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

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1, by Representatives May, Kopet, Pardini, Smythe, Amen, Benitz, Blair, Brown, Charnley, Chatalas, Cunningham, Curtis, Eikenberry, Gallagher, Gilleland, Hendricks, Jastad, Julin, Kilbury, Knowles, Leckenby, Luders, Nelson, North (Lois), Parker, Patterson, Polk, Pullen, Rabel, Schumaker, Shinpoch, Swayze, Tilley, Van Dyk, Wilson and Zimmerman:

Exempting prescription drugs from retail sales and use taxes.

MOTIONS

On motion of Senator Durkan, Engrossed House Bill No. 1 was advanced to second reading and read the second time in full.

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

On page 8, line 9 add a new subsection as follows:

"(29) *Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.*"

On page 14, line 2, add a new subsection as follows:

“(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.”

MOTION

On motion of Senator Durkan, Engrossed House Bill No. 1, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Van Hollebeke: “Would Senator Metcalf yield? Senator Metcalf, could you clarify a point for me? Does the effect of the amendments which we have already passed take the sales tax off at the front end? Does it take it off of the returnable container?”

Senator Metcalf: “Yes. That is my understanding.”

Senator Van Hollebeke: “All right. How do you think they will do that at the cash register? I am for you in what you want to accomplish here, but I think the proper way to do this is to have the sales tax returned when the bottles are returned.”

Senator Metcalf: “Senator, I discussed that in some depth and that is pretty complex. When you are refunding tax money that has been collected you get into a real tough area. That is what I asked them to do, and they said this is a real problem and they did not want to get into that at all. So this was the suggestion of bill drafting to proceed in this direction.”

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—46.

Voting nay: Senators Beck, Francis—2.

Excused: Senator Newschwander—1.

ENGROSSED HOUSE BILL NO. 1, as amended by the Senate, having received the 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 Mardesich, the Senate returned to the fourth order of business.

On motion of Senator Mardesich, the Senate commenced consideration of the House Message on Engrossed House Bill No. 784.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 784, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 784, by Representatives Bausch and Ehlers:
Increasing mileage allowance for state officials and employees.

MOTIONS

On motion of Senator Durkan, Engrossed House Bill No. 784 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, Engrossed House Bill No. 784 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 784, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Fleming, Francis, Grant, Greive, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—48.

Excused: Senator Newschwander—1.

ENGROSSED HOUSE BILL NO. 784, having received the constitutional 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 Mardesich, the Senate commenced consideration of Substitute House Bill No. 1049.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1049, by Committee on Labor (originally sponsored by Representatives Parker and Savage):

Requiring minimum standards for self-insurers with regard to industrial insurance to be set by the director of labor and industries.

REPORT OF STANDING COMMITTEE

April 17, 1974.

SUBSTITUTE HOUSE BILL NO. 1049, requiring minimum standards for self-insurers with regard to industrial insurance to be set by the director of labor and industries (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 25, add a new subsection 6 following line 24 as follows:

"(6) Non-profit hospitals may contract with service companies to administer portions of the claims program. Such non-profit hospitals shall designate a person within its establishment with responsibility for maintaining contact with employees concerning possible claims. In no case shall an employee be required to negotiate with a service company representative outside the hospital. Such person shall have a general understanding of laws and regulations respecting claims processing but shall not be subject to any testing for purpose of establishing qualifications."

Renumber the remaining subsection consecutively.

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

The bill was read the second time by sections.

Senator Grant moved adoption of the committee amendment.

Debate ensued.

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

Senator Mardesich moved adoption of the following amendment:

On page 1, line 6, strike the entire section and insert the following:

"Section 1. There is added to chapter 51.14 RCW a new section to read as follows:

(1) The director shall establish minimum requirements and standards which an employer must meet as a condition precedent to certification as a self-insurer and shall adopt said standards and criteria as rules or regulations in accordance with the provisions of chapter 34.04 RCW, to the extent said provisions are not inconsistent with this section.

(2) All rules and regulations adopted by the director pursuant to the requirements of this section shall be submitted by the director to the labor committees of the senate and the house of representatives at least sixty days before such rules are filed with the code reviser pursuant to chapter 34.04 RCW, but in no event less than 90 or more than 180 days after the effective date of this section. The labor committees shall review such rules and regulations.

3) If the labor committees of the senate and house of representatives have failed to reject proposed rules or regulations submitted to them within sixty days after such submission to said committees, such rules or regulations shall take effect upon filing with the code reviser, by the attorney representing the director, of an affidavit on non-rejection by the committees of the senate or house stating that no rejection was made by the committees within the sixty day period specified herein.

(4) If the committees shall reject any or all of the proposed rules or regulations as not being within the intent of this chapter, such rejection shall be by majority vote of all the members of both such committees. The director shall be notified of such rejection and the reasons therefor, and the effective date of the rules or regulations suspended for a maximum of thirty days. If at the end of the thirty days the committees have not rescinded their rejection of any or all the proposed rules and regulations, such rules and regulations as remain rejected shall be of no force and effect and deleted from the rules and regulations submitted to the code reviser, but all other proposed rules and regulations shall become effective as provided in chapter 34.04 RCW upon the filing with the code reviser, by the attorney advising the director, of an affidavit of nonrejection by said committees."

Debate ensued.

MOTIONS

On motion of Senator Mardesich, Substitute House Bill No. 1049, as amended, was ordered held for consideration at a later time.

Senator Mardesich moved that the Senate immediately consider Engrossed Substitute House Bill No. 1341.

REMARKS BY SENATOR HENRY

Senator Henry: "I would also like to join Senator Woodall in finding out what happened to the clocks. I call your attention that it now is one thirty by Japanese time that I have here and under the joint resolution I think that we should have expired, which would have been a help, at twelve o'clock."

POINT OF INQUIRY

Senator Greive: "Will Senator Mardesich yield to a question? Senator, would you be willing to reconsider House Bill No. 1049, accept the amendments and pass it now before we get into any further hassle?"

Senator Mardesich: "No."

Senator Greive: "I have read the amendment. I have taken a look at it and apparently you are holding it up because I had some objection. I would just as leave pass the bill now."

Senator Mardesich: "With the amendment?"

Senator Greive: "With the amendment, yes."

MOTION

Senator Mardesich moved that the Senate be at ease for one-half hour as requested by Senator Atwood, for the purpose of a Republican caucus.

POINT OF INQUIRY

Senator Woodall: "Would Senator Mardesich yield?"

Senator Mardesich: "No, sir."

Senator Woodall: "You have answered my question, Senator."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Mardesich consider amending that motion to recess for half an hour to recessing for say ten hours so we could come in at noon tomorrow refreshed?"

Senator Mardesich: "Mr. President, just as an informational matter, I had, whether or not we had recessed for the Republican caucus or not, it was my intention to run across the way to see how badly that computer is fouled up and when they will have it cleared so we can get a judgment as to when we can get out of here."

MOTION

At 1:30 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease. The President called the Senate to order at 1:50 a.m.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 1:50 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease until 10:00 a.m., Wednesday, April 24, 1974.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FIRST DAY**MORNING SESSION**

Senate Chamber, Olympia, Wash., Wednesday, April 24, 1974.

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, Francis and Guess. On motion of Senator Walgren, Senators Fleming and Francis were excused. On motion of Senator Atwood, Senator Guess was excused.

The Color Guard, consisting of Pages Bryan Flaherty and Ginger Gmahling, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"THOU ARE THE BEGINNING AND THE END, LORD, THE ALPHA AND OMEGA, WITH WHOM THERE IS NO END OF TIME OR ACTIVITY. AS WE CONCLUDE THIS SPECIAL SESSION OF THE WASHINGTON SENATE, WE ASK YOUR BLESSING ON THE MEMBERS WHO HAVE WRESTLED WITH THE PROBLEMS AFFECTING THE LIVES OF PEOPLE IN THIS STATE. IF UNDER PRESSURE, WORDS WERE SAID THAT MIGHT HAVE HURT, WE ASK FOR HEALING. MAY WE ALWAYS REVERENCE THE FREEDOM WE HAVE IN OUR BELOVED COUNTRY TO SPEAK OUT FROM THE FULLNESS OF OUR HEARTS WITH REVERENCE FOR THE TRUTH AS WE SEE IT. GRANT THE MEMBERS OF THIS HOUSE A SAFE RETURN TO THEIR HOMES AND FAMILIES. MAY THEY BE RENEWED AND REFRESHED TO CONTINUE THEIR MINISTRY OF SERVICE TO THE PEOPLE OF THE STATE IN THE POLITICAL ARENA. AMEN."

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3169.

PERSONAL PRIVILEGE

Senator Metcalf: "Mr. President and members of the Senate; it is approximately ten fifteen on April 24, and I would like the record to so show. I think that the business of, the subterfuge of fiddling with the clock and this kind of thing makes the legislative process look ridiculous in the sight of the people. If we are going to take time to do the business properly, then we should do so. To do this makes us appear that we lack the self discipline which we demand of others in following the laws that we pass here. And I think it is incumbent upon us to at least be perfectly honest and frank with the people and if we have gone beyond the time limited, if it is necessary, let us take the next step, but a subterfuge such as we are engaging in here is just not in the public interest."

MOTION

At 10:15 a.m., on motion of Senator Bailey, the Senate was declared to be at ease.
The President called the Senate to order at 10:50 a.m.

MESSAGES FROM THE HOUSE

April 23, 1974,

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 3253, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 784,
SUBSTITUTE HOUSE BILL NO. 1274,
SUBSTITUTE HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1504, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 3194, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 784,
SUBSTITUTE HOUSE BILL NO. 1274,
SUBSTITUTE HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1504.

MOTION

Senator Mardesich moved that the Senate commence consideration of Engrossed Substitute House Bill No. 1341 on second reading.

MOTION

At 10:55 a.m., on motion of Senator Atwood, the Senate was declared to be at ease.
The President called the Senate to order at 12:25 p.m.

MOTION

At 12:27 p.m., on motion of Senator Bailey, the Senate was declared to be at ease.
The President called the Senate to order at 2:00 p.m.

MOTION

On motion of Senator Durkan, the Senate resumed consideration of Substitute House Bill No. 1049.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1049, by Committee on Labor (originally sponsored by Representatives Parker and Savage):

Requiring minimum standards for self-insurers with regard to industrial insurance to be set by the director of labor and industries.

The Senate resumed consideration of Substitute House Bill No. 1049. On Tuesday, April 23, 1974 the committee amendment was adopted and an amendment by Senator Mardesich to page 1, line 6 striking the entire section and inserting a new section had been moved for adoption.

POINT OF INQUIRY

Senator Talley: "Would Senator Durkan yield? Senator, now this goes to the department for them to make the regulations. Would there be a public hearing on the regulations?"

Senator Durkan: "Yes, under the Administrative Procedures Act there has to be a public hearing and then there also has to be notification to the legislature on the adoption of the rules."

Senator Talley: "Thank you."

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

On motion of Senator Greive, Substitute House Bill No. 1049, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Matson: "Would Senator Greive yield? Senator Greive, as I understand it, the net effect of this bill would be that any self-insuring company that was too small to hire a person within that company to handle claims would not be allowed to self-insure?"

Senator Greive: "That is right. And I would like to point out that that was the understanding with all of the argument at the time when this particular provision was negotiated and put into the law. I was on the conference committee. It was never at any time intended nor would anybody have stood for it if we had thought that it was going to be done the way that it has for the very reason that they are. These people come in, in some instances they are, one outfit I understand is almost fly-by-night. It is a very small outfit, a local outfit and it collects several of these people and it is to their advantage to fight and to refuse claims and as an actual matter there have been complaints made to the Board of Industrial Insurance Appeals in an effort to prevent these people from writing insurance, but when they are done somebody else will spring up. They simply attempt to make money by not paying the claims if they can avoid it, which is not the intent of the act."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1049, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Donohue, Dore, Durkan, Grant, Greive, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Washington, Woody—29.

Voting nay: Senators Atwood, Canfield, Clarke, Henry, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Murray, Newschwander, Scott, Sellar, Twigg, von Reichbauer, Wanamaker, Whetzel, Woodall—17.

Excused: Senators Fleming, Francis, Guess—3.

SUBSTITUTE HOUSE BILL NO. 1049, as amended by the Senate, having received the constitutional 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 Woody, Substitute House Bill No. 1049, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Durkan, the Senate commenced consideration of Engrossed Substitute House Bill No. 1341.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, by Committee on Labor (originally sponsored by Representatives King, Morrison, Charette, Savage, Beck and Bausch):

Providing for an educational employment relations act.

REPORT OF STANDING COMMITTEE

April 16, 1974.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, providing for an educational employment relations act (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after the enacting clause on line 12, strike the remainder of the bill and all prior senate labor committee amendments thereto and insert the following:

"*NEW SECTION.* Section 1. This chapter may be cited as the educational employment relations act.

NEW SECTION. Sec. 2. It is the purpose of this chapter to prescribe certain rights and obligations of the educational employees of the school districts and community college districts of the state of Washington, and to establish procedures governing the relationship between such employees and their employers which are designed to meet the special requirements and needs of public employment in education.

It is the policy of this state to recognize the rights of the educational employees of the school districts and community college districts of the state to form, join, and assist employee organizations, to bargain collectively with their employers over the wages, hours, and terms and conditions of employment through representatives of their own choosing and to engage in other activities for the purpose of establishing, maintaining, and improving wages, hours, and terms and conditions of employment and to establish procedures which will facilitate and encourage the amicable settlement of disputes between such employees and their employers.

NEW SECTION. Sec. 3. As used in this chapter:

(1) The term "person" includes one or more individuals, organizations, unions, associations, partnerships, corporations, boards, committees, commissions, agencies, or other entities, or their representatives.

(2) The term "employer" includes any school district and any board of trustees of any state community college district.

(3) The terms "employee" and "educational employee" include any certificated employee of a school district, or faculty member of a community college, except:

(a) the chief executive officer of the employer;

(b) the chief administrative officers of the employer which shall mean for school districts the superintendent of the district, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, and business managers, and shall mean for community colleges the president, deans, directors, and business managers. Title variation from all positions enumerated in this subsection (b) may be appealed to the commission for determination of inclusion in, or exclusion from the term "educational employee";

(c) confidential employees, which shall include:

(i) any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the

administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(ii) any person who assists and acts in a confidential capacity to such person;

(d) supervisors, which includes any employee having authority in the interest of an employer to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment, and shall not include any persons solely by reason of their membership on a faculty tenure or other governance committee or body. The term "supervisor" shall include only those employees who perform a preponderance of the above-specified acts of authority;

(e) principals and assistant principals.

(4) The term "employee organization" includes any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of bargaining collectively with employers.

(5) The term "exclusive bargaining representative" includes any employee organization which has:

(a) been selected or designated pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) prior to the effective date of this chapter, been recognized under a predecessor statute as the representative of the employees in an appropriate collective bargaining or negotiations unit.

(6) The term "commission" means the education employment relations commission established by section 4 of this 1974 amendatory act.

(7) The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times, in light of the budgetmaking process, and to confer, consult, and bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment and to execute, if requested by either party, a written contract incorporating any agreements reached, but such obligation does not compel either party to agree to a proposal or to make a concession.

The phrase "conditions of employment" shall be construed to include, but not be limited to, salaries and salary schedules, the process of curriculum development, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, class size, and noninstructional duties.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory.

(8) In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

NEW SECTION. Sec. 4. (1) There is hereby created the education employment relations commission (hereafter called the "commission"). The commission shall consist of five members who shall be appointed by the governor by and with the consent of the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the commission after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(2) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and three members of the commission shall, at all times, constitute a quorum of the commission. The commission shall have an official seal which shall be judicially noticed.

(3) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

NEW SECTION. Sec. 5. (1) Each member of the commission shall be paid fifty dollars for each day in which he has actually attended a meeting of the commission officially held. The members of the commission may receive any number of daily payments for official meetings of the commission actually attended. Members of the commission shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally in chapter 43.03 RCW.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. He shall perform such duties and have such powers as the commission shall prescribe in order to carry out the provisions of this chapter. The executive director shall have authority on behalf of the commission in matters concerning the administration of this act and shall perform such duties as prescribed by the commission.

(3) When necessary to carry out or enforce any action or decision of the commission, the executive director shall have authority to petition any court of competent jurisdiction for an order requiring compliance with the commission action or decision.

(4) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties consistent with the provisions of this chapter.

(5) All of the expenses of the commission, including all necessary traveling and subsistence expenses outside the city of Olympia incurred by the members or employees of the commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose.

NEW SECTION. Sec. 6. The principal office of the commission shall be in the city of Olympia, but it may meet and exercise any or all of its powers at any other place. The commission may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the commission in the same case.

NEW SECTION. Sec. 7. (1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to join or pay a fee to any employee organization under a union security agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate educational employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, then such fees and dues shall be transmitted as therein provided.

NEW SECTION. Sec. 8. In the event that an employer and any employee organization are in disagreement as to the selection of a bargaining representative the commission shall be invited to intervene as is provided in sections 9, 10 and 11 of this 1974 amendatory act.

NEW SECTION. Sec. 9. (1) The commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying or

combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees: PROVIDED, That:

(a) a unit that includes both supervisors and nonsupervisors may be considered appropriate if a majority of the employees in each category indicate by vote or other credible evidence that they desire to be included in such unit; and

(b) a unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote or other credible evidence that they desire to be included in such a unit; and

(c) a unit that includes only principals and assistant principals may be considered appropriate if a majority of the employees in such category indicate by vote or other credible evidence that they desire to be included in such a unit; and

(d) a unit that includes both principals and assistant principals and educational employees may be considered appropriate if a majority of the employees in each category indicate by vote or other credible evidence that they desire to be included in such a unit; and

(e) except in community college districts, a unit including nonsupervisory educational employees shall not be considered appropriate unless it includes all nonsupervisory educational employees of the employer; and

(f) notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and duration of employment contracts during this school year; and

(g) in school districts authorized to operate vocational-technical institutes, notwithstanding all other provisions of this 1974 amendatory act, employees in such vocational-technical institutes may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies.

(2) The commission shall determine the bargaining representative by

(a) examination of organization membership rolls,

(b) comparison of signatures on organization bargaining authorization cards, or

(c) by conducting an election specifically therefor.

NEW SECTION. Sec. 10. In the event the commission elects to conduct an election to ascertain the exclusive bargaining representatives, or upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the educational employees within the unit, the commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of the proposed bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the educational employees within the unit, together with a choice for any educational employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority of the valid ballots cast by the educational employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the anniversary date of the agreement.

NEW SECTION. Sec. 11. The employee organization which has been determined to represent a majority of the employees in a bargaining unit shall be certified by the commission as the exclusive bargaining representative of, and shall be required to represent, all the educational employees within the unit without regard to membership in said bargaining representative: PROVIDED, That any educational employee at any time may present his grievance to the employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, as long as such representative has an opportunity to be present at that adjustment and to make its views known, and as long as

the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect.

NEW SECTION. Sec. 12. A collective bargaining agreement may contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED, FURTHER, That in order to safeguard the right of nonassociation of education employees based on bona fide religious tenets or teachings of a church or religious body of which such educational employee is a member, such educational employee shall pay to the exclusive bargaining representative, for the purposes within the program of the representative as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular dues, fees, and assessments required of a member, minus any included monthly premiums for exclusive bargaining representative sponsored insurance programs, and such employee shall not be a member of the exclusive bargaining representative, but shall be entitled to all representation rights of a member. If the employee and the exclusive bargaining representatives do not reach agreement on the matter the commission shall designate a nonreligious charity to which the funds shall be contributed; AND PROVIDED FURTHER, When there is a conflict between any collective bargaining agreement reached by an employer and an exclusive bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 13. (1) The commission shall promulgate, revise, or rescind, in the manner prescribed by the administrative procedure act, chapter 34.04 RCW, such procedural rules and regulations as it may deem necessary and appropriate to administer the provisions of this chapter in conformity with the intent and purpose of this chapter and consistent with the best standards of labor-management relations.

(2) The rules, precedents, and practices of the national labor relations board shall, provided they are consistent with this 1974 amendatory act, be considered by the commission in its interpretation of this act and prior to adoption of any commission rules and regulations.

NEW SECTION. Sec. 14. (1) Either an employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining over wages, hours, and terms and conditions of employment and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. Upon such request the commission shall, no later than five days after the receipt of a request, appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The commission may, on its own volition, declare that an impasse has been reached in collective bargaining over wages, hours, and terms and conditions of employment and appoint a mediator. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator shall not, without the consent of both parties, make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purpose and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his appointment, either party may, by written notification to the other, request that their differences be submitted to fact-finding with recommendations. Such recommendations shall be advisory only. Within five days after receipt of the aforesaid written request for fact-finding, the parties shall select a person to serve as fact-finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact-finder or to obtain such a commitment within that time, either party may request the commission to designate a fact-finder. The commission shall, within five days after receipt of such request, designate a fact-finder in accordance with rules and regulations for such designation

prescribed by the commission. The fact-finder so designated shall not, without the consent of both parties, be the same person who was appointed mediator pursuant to subsection (1) of this section.

The fact-finder shall, within five days after his appointment, meet with the parties or their representatives, or both, forthwith, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact-finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact-finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations shall, together with the findings of fact, be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact-finder, the employer or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact-finder.

(4) The costs for the services of the fact-finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne equally by the employer and the exclusive bargaining representative.

(5) Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute their own procedure for resolving impasse in collective bargaining for that provided herein or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact-finder designated by an employer and an exclusive bargaining representative or the commission for the purposes of this section shall be deemed an agent of the state.

NEW SECTION. Sec. 15. (1) An employer and an exclusive bargaining representative may agree to require that disputes between them concerning wages, hours, and terms and conditions of employment shall be resolved by binding arbitration.

(2) Where a party to such agreement is aggrieved by the failure, neglect, or refusal of the other party to proceed to arbitration pursuant to the procedures provided therefor in such agreement such aggrieved party may file a complaint in the superior court for the county in which the main offices of the school district is located or in the superior court of Thurston county if a community college district is party to such complaint for a summary action seeking an order directing that the arbitration proceed pursuant to the procedures provided therefor in such agreement;

(3) Unless the award of the arbitrator is deficient because:

- (a) it was procured by corruption, fraud, or other misconduct; or
- (b) of partiality of the arbitrator; or

(c) the arbitrator exceeded his powers or so imperfectly executed them that a final and definite award upon the subject matter was not made, such award shall be final and binding upon the parties and may be enforced by the filing of a complaint in the superior court for the county in which the main offices of the school district is located or in the superior court of Thurston county if a community college district is party to such complaint for a summary action. Utilization of the procedures provided for in sections 16 and 17 of this 1974 amendatory act shall not be a precondition to the filing of such a complaint.

NEW SECTION. Sec. 16. (1) It shall be an unfair labor practice for an employer to:

(a) impose or threaten to impose reprisals on any employee, discriminate or threaten to discriminate against any employee or otherwise interfere with, restrain, or coerce any employee because of his exercise of rights guaranteed by this chapter; or

(b) dominate, interfere with or assist or in the formation or administration of any employee organization; or

(c) encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment or any term or condition of employment: PROVIDED, That nothing contained in this subsection shall prevent an employer from requiring, as a condition of continued employment, payment to or membership in an exclusive bargaining representative pursuant to section 12 of this 1974 amendatory act,

respectively: PROVIDED FURTHER, That no employer shall justify any discrimination against any employee for nonmembership in any employee organization if he has reasonable grounds for believing such membership was:

(i) not available to the employee on the same terms and conditions generally applicable to other members; or

(ii) denied or terminated for reasons other than the failure of the employee to tender the dues, fees and assessments uniformly required as a condition of acquiring or retaining membership; or

(d) deny to any employee organization the rights guaranteed to it by this chapter; or

(e) refuse or fail to bargain in good faith with an exclusive representative if requested to do so in regard to wages, hours, and terms and conditions of employment; or

(f) fail to comply with any lawful provision of an agreement covering wages, hours, and terms and conditions of employment, or the award of an arbitrator issued pursuant to the procedures referred to in section 15 (1) of this 1974 amendatory act unless that award is deficient under section 15 (3) of this 1974 amendatory act; or

(g) fail to comply with any provision of this chapter.

(2) It shall be an unfair labor practice for an employee organization to:

(a) restrain or coerce any employee in the exercise of the rights guaranteed to him by this chapter; or

(b) restrain or coerce an employer in the selection of its representative for the purpose of collective bargaining or the adjustment of grievances; or

(c) cause or attempt to cause an employer to discriminate against an employee in violation of subsection 1 (c) of this section or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the dues, fees and assessments uniformly required as a condition of acquiring or retaining membership;

(d) refuse or fail to bargain in good faith with an employer if requested to do so in regard to wages, hours, and terms and conditions of employment, provided it is the representative of his employees subject to the provisions of section 11 of this 1974 amendatory act; or

(e) fail to comply with any lawful provision of an agreement covering wages, hours, and terms and conditions of employment, or the award of an arbitrator issued pursuant to the procedures referred to in section 15 (1) of this 1974 amendatory act, unless that award is deficient under section 15 (3) of this 1974 amendatory act; or

(f) fail to comply with any provisions of this chapter.

NEW SECTION. Sec. 17. (1) The commission is empowered to prevent any person from engaging in any unfair labor practice as defined in section 16 of this 1974 amendatory act. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise.

(2) If the commission determines that any person has engaged in or is engaging in any such unfair labor practice as defined in section 16 of this 1974 amendatory act, then the commission shall issue and cause to be served upon such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purpose and policy of this chapter, including the payment of damages and/or the reinstatement of employees.

(3) The commission may petition the superior court for the county in which the main office of the school district is located or wherein the person who has engaged or is engaging in such unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief: PROVIDED, That a petition filed by the commission in which a community college district is a party to such petition, shall be filed in the superior court of Thurston county.

NEW SECTION. Sec. 18. Actions taken by or on behalf of the commission shall be pursuant to chapter 34.04 RCW or rules and regulations adopted in accordance therewith, and the right of judicial review provided by that chapter shall be applicable to all such actions and rules and regulations.

NEW SECTION. Sec. 19. This act shall supersede existing statutes not expressly repealed to the extent that there is a conflict between a provision of this act and those other

statutes. Except as otherwise expressly provided herein, nothing in this chapter shall be construed to annul, modify or preclude the renewal or continuation of any lawful agreement entered into prior to the effective date of this chapter between an employer and an employee organization covering wages, hours, and terms and conditions of employment.

NEW SECTION. Sec. 20. Contracts or agreements, or any provision thereof entered into between community college boards of trustees and an exclusive representative pursuant to this 1974 amendatory act shall not be affected by or be subject to chapter 28B.19 RCW.

NEW SECTION. Sec. 21. Whenever a collective bargaining agreement between an employer and a bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same employees, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement and all benefits included in the new collective bargaining agreement including wage increases may accrue beginning with such effective date as established by this section.

Sec. 22. Section 1, chapter 105, Laws of 1973 1st ex. sess. and RCW 28A.01.130 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065, 28A.67.070, and 28A.67.074, and this 1974 amendatory act each as now or hereafter amended, shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction.

Sec. 23. Section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065 are each amended to read as follows:

Every school district board of directors, in accordance with procedure provided in [RCW 28A.72.030] this 1974 amendatory act, shall establish an evaluative criteria and procedures for all certificated employees. Such procedure shall require not less than annual evaluation of all employees. New employees shall be evaluated within the first ninety calendar days of their employment. Every employee whose work is judged unsatisfactory shall be notified in writing of stated areas of deficiencies along with recommendations for improvement by February 1st of each year. A probationary period shall be established from February 1st to April 15th for the employee to demonstrate improvement.

NEW SECTION. Sec. 24. There is hereby created a committee to advise the legislature on the feasibility and appropriate manner of consolidating the jurisdiction and administration of all the state's collective bargaining statutes in a single agency. The advisory committee shall consist of two members of the senate, appointed by the president of the senate, with one member from each political party, and two members of the house of representatives, appointed by the speaker of the house, with one member from each political party. The committee shall report its findings and recommendations to the Washington state legislature upon completion of its business.

NEW SECTION. Sec. 25. If any provision of this 1974 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Except for sections 4, 5, 6, 13 and 18, this act shall take effect on January 1, 1975. Sections 4, 5, 6, 13 and 18 shall take effect ninety days following enactment of this act.

NEW SECTION. Sec. 27. Sections 1 through 21 of this 1974 amendatory act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 28. (a) The following acts or parts of acts are each hereby repealed:

- (1) Section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010;
- (2) Section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020;
- (3) Section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030;
- (4) Section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050;
- (5) Section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060;
- (6) Section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070;

- (7) Section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080;
- (8) Section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.090;
- (9) Section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100;
- (10) Section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010;
- (11) Section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020;
- (12) Section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030;
- (13) Section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050;
- (14) Section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060;
- (15) Section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070;
- (16) Section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080;
- (17) Section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090;
- (18) Section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100;
- (19) Section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035; and
- (20) Section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200.

Except as otherwise expressly provided herein, nothing contained in this 1974 amendatory act shall be construed to deny or otherwise abridge any rights, privileges or benefits granted by law to employees."

Signed by: Senators Connor, Chairman; Fleming, Grant, Ridder, Woody.

The bill was read the second time by sections.

PARLIAMENTARY INQUIRY

Senator Washington: "I would like to perhaps get an advance ruling as to how we are going to handle the amendments, and it would seem to me that we have the committee amendment which really is a full bill in itself, and that should not be considered the amendment. When amendments are put up to that, it would be an amendment, and when we amend the amendment which has been put up on a sheet, it would only be an amendment to an amendment and not be overruled because it is an amendment to an amendment to an amendment."

REPLY BY THE PRESIDENT

The President: "Senator Washington, the President believes unless the members of the Senate wish to suspend the rules that it would be impossible to consider the committee amendment as the bill in itself."

POINT OF ORDER

Senator Woodall: "We have no rules to suspend; as was pointed out last night we were permitted to reconsider a measure for the third time on the basis that there are no rules. Therefore, it would seem to me that the point by Senator Washington is correct, that if the body wished to consider an amendment to an amendment to an amendment, which is three times, it would be comparable to the matter of reconsidering something three times. So I see no reason why it could possibly be ruled out of order."

REPLY BY THE PRESIDENT

The President: "Senator Woodall, the President appreciates the philosophy of your remarks and believes that your remarks are correct, but last night Senator Woody moved for a suspension of the rules in order for his particular motion to be considered. The President believes that that would be necessary in this case also."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President, could I make one further observation? This committee amendment really is almost, I would say, in the form of a substitute bill. It is a complete bill in itself and as a technique it could have been submitted as a substitute bill rather than as a committee amendment, and there are going to be a number of problems. I have seen some amendments that are put up and the only orderly way would be to be able to amend the small sheets that are put up to carry on and I would think that the body might well wish to follow that procedure. Otherwise we are not going to be able to amend any of the amendments that are placed up there."

PARLIAMENTARY INQUIRY

Senator Henry: "Mr. President, as long as you are already on this horns of the dilemma, I would like a parliamentary inquiry as to the status of the bill. As I recall, Senator Grant I believe it was, moved that we immediately consider this bill last night on the calendar and the motion was not voted down. It was tabled. Now under Reed's Rules, does that not take the bill on the table with it?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "Speaking on the general philosophy of rules, Mr. President, it would seem to me that when we are operating without rules that would mean that the ordinary parliamentary rules would apply, but that without rules the body, by majority vote, then at any time may in effect decide otherwise, so that I would suggest that the President would follow the ordinary rules and that the proper motion by Senator Washington would be that in this instance the procedure be as he suggests. Then if a majority of the body should wish to proceed and pursuant to the motion by Senator Washington, the matter would be entirely in order since without rules the majority can determine how it wishes to proceed, but unless the body so elects on its own motion then the President properly applies the ordinary rules of parliamentary procedure."

REPLY BY THE PRESIDENT

The President: "The President believes that you have expressed the situation very well, Senator Clarke."

REPLY BY THE PRESIDENT

The President: "Senator Henry, the President believes that in the instance to which you referred it would be necessary for the motion to have included the bill to be tabled along with the original motion."

MOTIONS

On motion of Senator Washington, for purposes of amending, the committee amendment will be considered as a substitute bill and that amendments to amendments to the committee amendment be allowed.

Senator Grant moved adoption of the committee amendment.

Senator Durkan moved adoption of the following amendment by Senators Durkan and Washington to the committee amendment:

On page 1, section 2, line 19 after "own choosing" strike the language up to and including the word "activities" on line 20.

POINT OF INQUIRY

Senator Dore: "Will Senator Durkan yield to a question? What would the intent of your amendment be? Would it prohibit a strike or permit it or what?"

Senator Durkan: "The intent of the amendment is that there is nothing in this bill that permits the right to strike by teachers."

The motion by Senator Durkan carried and the amendment by Senators Durkan and Washington to the committee amendment was adopted.

Senator Atwood moved adoption of the following amendments to the committee amendment:

On page 1, section 2, line 10 strike "and community college districts".

On page 1, section 2, line 15 strike "and community college districts".

Debate ensued.

Senator Greive demanded a roll call and the demand was sustained by Senators Herr, Canfield, Peterson (Ted), Atwood, Matson, Twigg, Murray, Lewis (Harry) and Wanamaker.

ROLL CALL

The Secretary called the roll and the amendments by Senator Atwood to the committee amendment to page 1, lines 10 and 15, were adopted by the following vote: Yeas, 26; nays, 20; excused, 3.

Voting yea: Senators Atwood, Canfield, Clarke, Day, Donohue, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Peterson (Ted), Sandison, Scott, Sellar, Twigg, Van Hollebeke, Wanamaker, Whetzel, Woodall—26.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Dore, Durkan, Grant, Greive, Knoblauch, Metcalf, Odgaard, Peterson (Lowell), Rasmussen, Ridder, Stortini, Talley, von Reichbauer, Walgren, Washington, Woody—20.

Excused: Senators Fleming, Francis, Guess—3.

On motion of Senator Atwood, the following amendments to the committee amendment were considered and adopted simultaneously:

On page 2, section 3, line 2 strike "and any board of trustees of any state community college district".

On page 2, section 3, line 5 strike "or faculty member of a community college,".

On page 2, section 3, line 11 after "managers" strike "and shall mean for community colleges the president, deans, directors, and business managers".

On page 7, section 9, line 29 strike "except in community college districts,".

On page 13, section 15, line 18 strike "or in the superior court of Thurston County if a community college district is party to such complaint for a summary action".

On page 16, section 20, line 18 strike all of new section 20. Renumber remaining sections consecutively.

On page 18, section 28, line 28 beginning with subsection (10) strike all subsections down to and including subsection (20) on page 19.

Senator Whetzel moved adoption of the following amendment to the committee amendment:

On page 1, section 2, line 23 after "employers" strike the period and insert: "PROVIDED, That it is the purpose of this chapter to provide as an alternative to strikes in the educational sector an orderly process for the settlement of disputes and the adjustment of grievances. To that end the legislature declares that nothing in this chapter shall be construed to grant educational employees the right to strike and that the right to strike is hereby expressly prohibited."

REMARKS BY SENATOR DURKAN

Senator Durkan: "Speaking against the amendment, historically it has been proven, and factually it has been proven, that where you have put in a right not to strike or no strike provisions in the law such as in the case of New York and such as in the case of Florida where they have gone on strike, that the very practical aspects of it is that they have violated the law and nothing more is accomplished except much bitterness between those who are striking and those who are trying to get them back to work. Now that is actually the fact. Those of us who have engaged in this type of practice recognize that the no strike

provision for public employees is not workable. It is not workable. We already have permitted public employees to strike in this state. We in the legislature in 1963 gave that right to employees of public utility districts. They have used it with great discretion and it has not harmed the process of negotiation. But more important than that is if you are going to spell out that they do not have the right to strike, obviously we should be talking about compulsory arbitration. And that is something I think no one wants if you are not going to permit them to strike.

"Now it should be very clear that there is nothing in this bill that does permit them to strike. The case law in this state also is clear as to the right of public employees as to whether they can strike or not. Those of you who are familiar with the Port of Seattle case know that the courts have held that public employees do not have the right to strike unless it specifically is granted to them. And there is nothing in this bill that specifically grants the right to strike to public employees.

"In answer to Senator Dore's question earlier on the first amendment, I stated that it was the intent of the sponsors of the bill and the sponsors of the legislature nothing in this bill will grant public employees the right to strike. I think that putting language like this in this bill invites disasters in the future in the sense of trying to properly negotiate with those public employees. Incidentally, I feel that public employees should have the right to strike, but I am in the minority. So I would hope that we would not use this language and use it as a red flag to cause much trouble in the future as far as negotiations are concerned between school districts and their employees."

MOTION

Senator Woodall: "I move that that part of Senator Durkan's remarks that there is nothing in this bill that intends to give to teachers the right to strike be incorporated in the Journal."

POINT OF INQUIRY

Senator Mardesich: "I wonder if someone might yield to a question? In the event of a strike, is there any provision in the law - it seems to me I recall something a few years back - which provides that the school districts shall not get funds under the matching formula so that a strike might not be provoked in an attempt to build up the coffers?"

Senator Durkan: "Senator Mardesich, I think the best example of that can be explained by Senator Marsh, what happened in Vancouver when the teachers went on strike as to the workings of the formula."

POINT OF ORDER

Senator Woodall: "There is a motion pending."

REPLY BY THE PRESIDENT

The President: "The President thought that Senator Durkan was going to speak on the motion, Senator."

The motion by Senator Woodall carried. The remarks by Senator Durkan were ordered placed in the Journal.

REPLY BY SENATOR MARSH

Senator Marsh: "Senator Mardesich, in the Evergreen School District the school district did not get the funds for the days the teachers did not teach."

POINT OF INQUIRY

Senator Whetzel: "I wonder if Senator Grant can tell us how the special levies are doing in New York City."

POINT OF INQUIRY

Senator Washington: "A question to Senator Marsh. As I understand it, the law at the present time in the state of Washington as enunciated by the courts is that strikes are prohibited and that in Vancouver and at least one other area the court issued an injunction and that the teachers who violated that were held in contempt and were placed in jail."

Senator Marsh: "It is correct that the case law does hold strikes to be illegal. It is true in the Evergreen School District an injunction was issued and it is further true that when some of the leaders continued to refuse to instruct their associates to go back to work, the judge held some of the leaders to be in contempt and jailed them for contempt."

Senator Washington: "Senator Marsh, as I read this amendment it struck me as not being anything like the one in New York, but that it merely is an enunciation of what the law is at the present time in the state of Washington."

Senator Marsh: "I think it is the enunciation of the case law, yes."

POINT OF INQUIRY

Senator Woodall: "Would Senator Marsh yield? You say that some of the people out at this Evergreen College were held in contempt?"

Senator Marsh: "This is the Evergreen School District."

Senator Woodall: "I thought it was Evergreen College. If you said they held they were in contempt I was going to concur."

Further debate ensued.

Senator Scott demanded a roll call and the demand was sustained by Senators Canfield, Metcalf, Twigg, Herr, Clarke, Jones, Murray, Lewis (R. H. "Bob") and Atwood.

ROLL CALL

The Secretary called the roll and the amendment by Senator Whetzel to page 1, section 2, line 23 of the committee amendment was adopted by the following vote: Yeas, 25; nays, 19; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Canfield, Clarke, Donohue, Dore, Durkan, Henry, Herr, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Van Hollebeke, Wanamaker, Washington, Whetzel, Woodall—25.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Day, Grant, Greive, Jolly, Keefe, Knoblauch, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, von Reichbauer, Walgren, Woody—19.

Absent or not voting: Senators Mardesich, Talley—2.

Excused: Senators Fleming, Francis, Guess—3.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Durkan served notice that he would, at the appropriate time, move to reconsider the vote by which the amendment by Senator Whetzel to page 1, section 2, line 23 of the committee amendment was adopted.

PARLIAMENTARY INQUIRY

Senator Woodall: "After the result has been announced you can make a switch?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

MOTION

Senator Grant moved adoption of the following amendment to page 3, section 3, line 21 of the committee amendment:

On page 3, section 3, line 21, of the committee amendment to Engrossed Substitute House Bill No. 1341, after "act" and before the period insert the following:

": PROVIDED, That if the state labor-management relations act, chapter . . . , Laws of 1974 1st ex. sess. (E 2nd SSB 3042), is enacted into law, "commission" for the purposes of this 1974 act shall mean the "state labor-management relations board" created in that act, and, in such event, any moneys appropriated for the operation of the education employment relations commission for the 1973-75 fiscal biennium are hereby transferred to and made available for the operation of the labor-management relations board, or so much thereof as shall be necessary, and sections 4, 5, and 6 of this 1974 act shall be void and of no effect".

Debate ensued.

POINT OF INQUIRY

Senator Matson: "Will Senator Grant yield? I am just wondering whether there is any fiscal note on this board in the first case and in the amendment that you propose."

Senator Grant: "Yes, Senator Matson, there was an appropriation attached to Senate Bill No. 3042, and there is also an amount in the budget in the event of passage of 1341. It seems to me that the appropriation, I am trying to recall off the top of my head, for the state labor relations board is in the neighborhood of one hundred and ninety thousand dollars. For the educational employees' commission, I think, it is one hundred and fifty-five thousand dollars."

The motion by Senator Grant carried and the amendment to page 3, section 3, line 21 of the committee amendment was adopted.

Senator Matson moved adoption of the following amendment:

On page 3, section 3, line 33, strike "include, but not".

Debate ensued.

Senator Durkan demanded a roll call and the demand was sustained by Senators Odegaard, Knoblauch, Greive, Grant, Murray, Atwood, Ridder, Whetzel and Lewis (R. H. "Bob").

ROLL CALL

The Secretary called the roll and the amendment by Senator Matson to page 3, section 3, line 33 of the committee amendment was not adopted by the following vote: Yeas, 20; nays, 24; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bottiger, Canfield, Clarke, Donohue, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Washington, Whetzel, Woodall—20.

Voting nay: Senators Bailey, Beck, Connor, Day, Dore, Durkan, Grant, Greive, Herr, Jolly, Keefe, Knoblauch, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Woody—24.

Absent or not voting: Senators Henry, Mardesich—2.

Excused: Senators Fleming, Francis, Guess—3.

The motion by Senator Matson failed and the amendment to page 3, section 3, line 33 of the committee amendment was not adopted.

MOTIONS

On motion of Senator Washington, the amendment on the Secretary's desk to page 3, section 3 (7), line 33 of the committee amendment was withdrawn temporarily.

Senator Durkan moved adoption of the following amendment to the committee amendment:

On page 3, section 3, beginning on line 32, strike the entire paragraph.

Debate ensued.

The motion by Senator Durkan failed and the amendment to page 3, section 3, beginning on line 32 of the committee amendment was not adopted.

Senator Matson moved adoption of the following amendment to the committee amendment:

On page 4, section 3, line 2, after "personnel" strike the comma.

Debate ensued.

POINT OF INQUIRY

Senator Donohue: "Senator Canfield, would you yield to a question? Senator Canfield, you were alluded to, I think, yesterday or the day before as being the grammatical expert and I am surely not up on that area. Would you comment on this and tell the body in your words what you think the comma means?"

Senator Canfield: "Senator, sometimes I just do not understand that Hubert Donohue. Anyway, I am not an authority on commas but I would say this; that the comma, as I read this, means that personnel by itself is an item of negotiation; comma, the hiring by itself is an item of negotiation. If you take the comma out, then personnel hiring, one item, not two, is the subject for negotiation. I would like to kind of illustrate it this way. Down in Senator Jolly's district in Pasco they had some problems over an item of personnel. You remember, Senator. And due to the fact that this thing became so personal it involved a tremendous community split, a fight that rocked the school board to its foundations, resulting in the recall of the entire school board and the firing of the superintendent. So I think a comma can be quite important, Senator Donohue."

The motion by Senator Matson carried and the amendment to page 4, section 3, line 2 of the committee amendment was adopted on a rising vote.

Senator Washington moved adoption and consideration of the following amendments to the committee amendment simultaneously:

On the Committee on Labor amendment on page 3, section 3 (7), line 33, following "include" strike " , but not be limited to,".

On the Committee on Labor amendment on page 4, line 3, following "size," and before "and" insert "planning time during the instructional day, the employment and utilization of reading and other instructional specialists".

Debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Matson, Peterson (Ted), Durkan, Canfield, Murray, Newschwander, Whetzel, Scott and Grant.

ROLL CALL

The Secretary called the roll and the amendments by Senator Washington to the committee amendment were not adopted by the following vote: Yeas, 22; nays, 22; absent or not voting, 2; excused, 3; President Cherberg voted nay.

Voting yea: Senators Atwood, Canfield, Clarke, Day, Donohue, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Washington, Whetzel, Woodall—22.

Voting nay: Senators Bailey, Beck, Bottiger, Connor, Dore, Durkan, Grant, Greive, Herr, Knoblauch, Marsh, Odegaard, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Woody—22. President Cherberg voted nay;—23.

Absent or not voting: Senators Keefe, Mardesich—2.

Excused: Senators Fleming, Francis, Guess—3.

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

On motion of Senator Durkan, there being no objection, the amendment to page 4, following line 3 by Senator Francis to the committee amendment, was withdrawn.

On motion of Senator Matson, the amendment to page 4, section 3, lines 8-12 striking all of subsection (8), was withdrawn.

Senator Matson moved adoption of the following amendment to the committee amendment:

On page 4, section 4, line 17, after "PROVIDED," and beginning with "That" strike all material down to and including "senate." on line 20.

Debate ensued.

The motion by Senator Matson carried and the amendment to page 4, section 4, line 17 of the committee amendment was adopted.

On motion of Senator Grant, the following amendment to the committee amendment was adopted:

On page 5 of the committee amendment on line 1, after "of the" strike "board" and insert "commission":

On motion of Senator Rasmussen, the following amendment to the committee amendment was adopted:

On page 5, section 5, line 11 of the committee amendment, after "held." strike everything down to and including "attended." on line 13.

On motion of Senator Grant, the following amendments to the committee amendment were adopted:

On page 5, line 22 of the committee amendment, after "director" insert ", with such additional legal assistance consistent with chapter 43.10 RCW,".

On page 5, line 29 of the committee amendment, after "employees" insert ", including attorneys,".

On motion of Senator Rasmussen, the following amendment to the committee amendment was adopted:

Amend page 6, line 4 of the Committee amendment as follows:

After "purpose" and before the period insert "in accordance with RCW 43.03.050 and RCW 43.03.060".

Senator Matson moved adoption of the following amendment to the committee amendment:

On page 9, section 10, line 6 of the committee amendment, after "agreement" strike the period and insert ": PROVIDED, That upon the filing with the commission of a petition signed by thirty percentum or more of the employees in a bargaining unit alleging that the bargaining representative which has been certified or is being currently recognized by their employer is no longer representative as set forth in section 11 of this act, the board shall conduct an election to ascertain the exclusive bargaining representative, if any."

On motion of Senator Matson, the following oral amendment to the amendment was adopted:

In the Matson amendment to page 9, section 10, line 6, after "election" and before "to ascertain", insert "by secret ballot".

The motion by Senator Matson carried and the amendment to page 9, section 10, line 6, as amended, to the committee amendment was adopted.

Senator Matson moved adoption of the following amendment to the committee amendment:

On page 8, section 9, line 13 of the committee amendment, strike subsection (a) and (b) and renumber the remaining subsections.

Debate ensued.

The motion by Senator Matson carried and the amendment to page 8, section 9, line 13 of the committee amendment was adopted.

On motion of Senator Matson, the following amendment which had been revised, to page 8, section 9, line 16 of the committee amendment was adopted:

On page 8, section 9, line 16, after "election" and before "specifically" insert "by secret ballot".

Senator Metcalf moved adoption of the following amendment to the committee amendment:

On page 9, section 12, line 21 of the committee amendment before "contain" add "not" and place a period after "provisions" and strike the balance of the section.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President and members of the Senate, I think Senator Metcalf's

amendment strikes at the heart of the bill. The issue of the bill really is whether or not we are going to have collective bargaining, or whether we are going to have a right-to-work status for teachers. The state voter has settled the right-to-work issue some time ago. Agency shop, union shop, closed shop, the right-to-work people oppose each in principle. I realize it is hard to take a minority and say you have to join a union, but the minority is never hesitant to accept all of those benefits that the majority got for them, and they want the majority to pay for those benefits and pay for the service to get those benefits. They move in rather rapidly to collect the gains. I do not think that the agency shop has any problem at all. I do not think it unfair to ask all those people to pay their share of the service that they get to get those working benefits and some of the improvements in their laboring conditions. I think, with Senator Metcalf's amendment, we are going right back to a right-to-work provision and that is all and simply what this amendment calls for."

Debate ensued.

There being no objection, the amendment by Senator Metcalf to the committee amendment was withdrawn.

MOTION FOR RECONSIDERATION

Having given prior notice, Senator Durkan moved that the Senate do now reconsider the vote by which the amendment by Senator Whetzel to page 1, section 2, line 23 to the committee amendment was adopted.

Debate ensued.

Senator Day demanded a roll call and the demand was sustained by Senators Durkan, Washington, Metcalf, Connor, Bailey, Odegaard, Sandison, Greive and Stortini.

The President declared the question before the Senate to be the motion for reconsideration of the vote by which the amendment by Senator Whetzel to the committee amendment was adopted.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Durkan failed by the following vote: Yeas, 20; nays, 23; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Connor, Day, Durkan, Grant, Greive, Jolly, Knoblauch, Lewis (Harry), Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, von Reichbauer, Walgren, Woody—20.

Voting nay: Senators Atwood, Canfield, Clarke, Donohue, Dore, Henry, Herr, Jones, Lewis (R. H. "Bob"), Marsh, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Van Hollebeke, Wanamaker, Washington, Whetzel, Woodall—23.

Absent or not voting: Senators Keefe, Mardesich, Rasmussen—3.

Excused: Senators Fleming, Francis, Guess—3.

The motion for reconsideration of the vote by which the amendment by Senator Whetzel to page 1, section 2, line 23 to the committee amendment failed.

MOTIONS

Senator Durkan moved that Engrossed Second Substitute House Bill No. 1341 be referred to the Committee on Labor.

Debate ensued.

At 4:35 p.m., on motion of Senator Atwood, the Senate was declared to be at ease.

The President called the Senate to order at 5:20 p.m.

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

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1185, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 670, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 867, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1037, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1181, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1292, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 1276, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1288, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1363, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 1,

SUBSTITUTE HOUSE BILL NO. 867,
 SUBSTITUTE HOUSE BILL NO. 1037,
 SUBSTITUTE HOUSE BILL NO. 1185,
 HOUSE BILL NO. 1276,
 HOUSE BILL NO. 1292, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 24, 1974.

Mr. President: The Speaker has signed SENATE BILL NO. 3169, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 1,
 SUBSTITUTE HOUSE BILL NO. 867,
 SUBSTITUTE HOUSE BILL NO. 1037,
 SUBSTITUTE HOUSE BILL NO. 1185,
 HOUSE BILL NO. 1276,
 HOUSE BILL NO. 1292.

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 670,
 HOUSE BILL NO. 1181,
 SUBSTITUTE HOUSE BILL NO. 1288,
 HOUSE BILL NO. 1363, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has receded from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3146, and has passed the bill without the amendments. The bill together with the amendments are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has passed SENATE BILL NO. 3257, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3145, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1974.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE

SENATE BILL NO. 3145, permitting the establishment of satellite banking facilities, have had the same under consideration, and we recommend that the bill be amended as follows:

On page 1, line 20, after "branch" and before the period insert ": PROVIDED FURTHER, That in considering any application for authority to open a new branch or to establish a new financial institution, the supervisor shall disregard the existence of facilities established pursuant to this act in determining whether there is reasonable promise of adequate support for the new branch or proposed new financial institution".

On page 3, following line 1, add the following new section:

"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 shall take effect immediately."

On line 2 of the title, after "RCW" insert "; and declaring an emergency".

All House amendments are to be stricken.

Signed by: Senators Dore, Clarke and Mardesich; Representatives Pardini and Ceccarelli.

MOTIONS

On motion of Senator Mardesich, Senator Rasmussen was excused.

Senator Dore moved that the report of the Free Conference Committee on Substitute Senate Bill No. 3145 be adopted.

POINT OF INQUIRY

Senator Bailey: "Would Senator Dore yield? Senator, I can see the reason for not considering the satellites when you apply as a new bank. I think that would help the small banking establishment, but what is the logic behind having the emergency clause on the bill? Is there any effort here to keep from having it subject to referendum?"

Senator Dore: "Answering the question, in January there was no necessity for the emergency clause because we thought the bill would be in effect by May 1, but it did not get through. It stayed on the rostrum of the House. But on May 1 the mutuals and savings had established a pilot program over in the Bellevue shopping center and they will need this legislation or they will have great difficulty, in fact I think they would be prohibited from setting up. And that is the reason for the emergency clause."

Debate ensued.

There being no objection, Senators Keefe and Stortini were excused.

The motion by Senator Dore carried and the Senate adopted the report of the Free Conference Committee on Substitute Senate Bill No. 3145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3145, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Day, Donohue, Dore, Durkan, Fleming, Grant, Greive, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Twigg, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—42.

Absent or not voting: Senators Connor, Lewis (R. H. "Bob")—2.

Excused: Senators Francis, Guess, Keefe, Rasmussen, Stortini—5.

SUBSTITUTE SENATE BILL NO. 3145, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 670,
HOUSE BILL NO. 1181,
SUBSTITUTE HOUSE BILL NO. 1288,
HOUSE BILL NO. 1363.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3145,
SUBSTITUTE SENATE BILL NO. 3146,
SENATE BILL NO. 3257.

MOTION PENDING

The Senate resumed consideration of the motion by Senator Durkan made earlier today that Engrossed Second Substitute House Bill No. 1341, the educational-employment relations act, be referred to the Committee on Labor.

With the consent of the Senate, the motion by Senator Durkan was withdrawn.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, having given prior notice and the Senate moving previously to reconsider the vote by which the amendment by Senator Whetzel to page 1, section 2, line 23 to the committee amendment to Engrossed Second Substitute House Bill No. 1341 was adopted, Senator Durkan moved that the Senate do again reconsider the vote by which the amendment to the amendment was adopted.

The motion for reconsideration failed on a rising vote.

MOTION

Senator Durkan moved that Engrossed Second Substitute House Bill No. 1341 be referred to the Committee on Education.

REMARKS BY SENATOR BAILEY

Senator Bailey: "I want to make a statement on that, but I am not going to oppose the motion, but this bill had been in the Labor Committee before and I do not think it belongs in Education. Let it go if that is where they want it, but that probably will be the end of it."

The motion by Senator Durkan carried. Engrossed Substitute House Bill No. 1341, providing for an educational relations act, was referred to the Committee on Education.

PERSONAL PRIVILEGE

Senator Grant: "Mr. President and members of the Senate, in regard to the bill that was just referred back to committee, I feel quite let down, frankly. We did work very hard in trying to effect a compromise in this area in the Labor Committee. We did write a bill that I thought did contain compromise sufficient to see its passage. I am somewhat relieved frankly that now the Education Committee will go through the rack on this item. It has not been easy to try to get this issue resolved because there are so many varying opinions and so many people involved. I would just like to say to you though that putting it away now is not going to resolve the problem. I expect that there are going to be even more serious confrontations as a result of the action today than we have seen in the past."

PERSONAL PRIVILEGE

Senator Clarke: "Also on a matter of personal privilege, I think that actually we have had before us one of the most important bills, one of the most important concepts that can come before a legislature, and I can thoroughly appreciate the feelings of the people who are, Senator Grant and the WEA and their representatives. But the thing that has bothered me about this whole situation is that we are dealing here with something that is closer to the greatest majority of our constituents than any other single issue and that is the education of their children. This should not be an adversary situation as between school boards and teachers because they should be encouraged to be in a cooperative situation where they are both striving to achieve the ultimate result which is dear to every American family and that is, what is best for the youth of the nation. So it is a very difficult thing and I appreciate the problems that Senator Grant has had and I also appreciate the work that the leaders of the WEA have had and I know that they are very sincere in what they are seeking to achieve. I spent over twenty years on a school board and I will say that any school board member who does not consult at length with the teachers in the school system as to everything that affects education is completely ill advised. But on the other hand, let us look at what we are really facing here and this is the question of the power of direction of the people themselves. They can act only through their elected representative, in this instance the school board, with whom they can come and with whom they can talk. And in the final analysis where you are dealing with a situation which would in effect take away from the power of the people to make these determinations and make each one of these issues that affects their children a negotiable item, a negotiable item with someone who, under the continuing contract law, they have no direct control over, I think this is the problem. This is the reason why, I think instinctively, you find so many of the legislators here who perhaps instinctively know that their neighbor whose children are being educated are very much interested in this entire concept and they expect us at this representative level to in effect think for them, and this is what I believe we are endeavoring to do and this is why I think a bill of this nature needs very careful consideration."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, maybe it is just as well this bill did not pass. If the bill had passed and we have a strike this spring or fall, everyone in the state would say Engrossed House Bill No. 1341 caused the strike. I hope that you will keep this in mind. As inflation sets in more and more and the teacher has less and less buying power and the levies fall faster and faster, I think we are heading for more and more teachers' strikes. I hope you keep it in mind as we go along. Many of the school directors tried to work this out; many of them did not want to work it out — they would not give an inch and they did not want to deal with anybody and they are not going to deal with anybody until they have to. I hope when these strikes come that they remember that they are operating without a law and it was not 1341 that caused it. I think they are going to regret they do not have some mechanism here to take care of the situation."

PERSONAL PRIVILEGE

Senator Van Hollebeke: "Mr. President and members of the Senate, also speaking on a point of personal privilege, I would like to second some of the remarks of Senator Grant here and personally commend Senator Connor and his committee and staff on the tremendous amount of work that Senator Grant has put into this important measure. I think many of the points that Senator Clarke made are as usual made extremely well. It is a very important measure and it is very hard for us to know, for any of us to know just what is right in this area. I think we are making a mistake. I do not see that it has been justified to take it out of one committee after it has been worked on for so long and so arduously in that committee to pump it into another committee. And although I was one of those who felt we were getting into too many things in too short a time here and still feel like that, I began to think we were getting pretty close to getting the bill and maybe we should have

kept on with it. That is done, but I would like at least to take this opportunity to thank those who worked so hard in getting what they believed is right for the schools and teachers and all involved."

Further debate ensued.

MOTION

On motion of Senator Woody, Senator Grant was excused.
There being no objection, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 1301, by Representatives Parker, Bagnariol, Curtis, Randall, Freeman, Adams, Fortson, Hansen, Ceccarelli, Hendricks, Matthews, Pullen and Van Dyk:

Phases out inventory taxes.

MOTIONS

On motion of Senator Durkan, Engrossed House Bill No. 1301 was advanced to second reading and read the second time in full.

Senator Durkan moved adoption of the following amendment:

On page 1, after the enacting clause, strike the remainder of the bill and insert the following:

"NEW SECTION. Section 1. This 1974 act is intended to stimulate the economy of the state, and thereby to increase the revenues of the state and its local taxing districts. The department of revenue shall review the impact of this 1974 act upon the economy and revenues of the state and its local taxing districts, and shall report thereon biennially to the legislature. Recommendations for additional legislation shall be included in such reports if such legislation is needed to assure that the economic stimulus provided by this 1974 act is balanced by increased revenues.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

For each of the calendar years 1974 through 1983, a percentage as set forth below, of any personal property taxes paid before delinquency after the effective date of this 1974 act by any taxpayer upon business inventories during the same calendar year shall be allowed as a credit against the total of any taxes imposed on such taxpayer or its successor by chapter 82.04 RCW (business and occupation tax), as follows:

Inventory taxes paid in 1974	.....	ten percent
Inventory taxes paid in 1975	.....	twenty percent
Inventory taxes paid in 1976	.....	thirty percent
Inventory taxes paid in 1977	.....	forty percent
Inventory taxes paid in 1978	.....	fifty percent
Inventory taxes paid in 1979	.....	sixty percent
Inventory taxes paid in 1980	.....	seventy percent
Inventory taxes paid in 1981	.....	eighty percent
Inventory taxes paid in 1982	.....	ninety percent
Inventory taxes paid in 1983	.....	one hundred percent

If the amount of such credit otherwise allowable for any calendar year (including any credit carried over from any prior year or years) exceeds the amount of business and occupation tax imposed on such taxpayer or its successor with respect to such year, then such excess shall be allowed as a credit against any business or occupation tax imposed on such taxpayer or its successor with respect to any of the next succeeding five years.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

Commencing with assessment as of January 1, 1983, for taxes due in 1984 business inventories shall be fully exempt under chapter 84.36 RCW. "Business inventories" shall have the meaning given to it in section 4 of this 1974 act.

Commencing with January 1, 1984, assessments for taxes due in 1985, taxpayers shall not be required to report, or assessors to list, the business inventories covered by this phase out exemption.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

For the purposes of this chapter:

"Business inventories" means all livestock and means personal property acquired or produced solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component. It shall include inventories of finished goods and work in process.

"Successor" shall have the meaning given to it in RCW 82.04.180.

NEW SECTION. Sec. 5. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

(1) Each taxpayer requesting business and occupation tax credit under section 2 of this 1974 act shall verify, by completing and signing a form prepared and made available by the department of revenue, payment of business inventory taxes on which such credit is based.

(2) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 6. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

If the department of revenue finds that any taxpayer received any tax credit under section 2 of this 1974 act based on false or fraudulent information supplied by such taxpayer the amount of taxes avoided thereby shall be collected together with statutory interest thereon, and in addition a twenty-five percent penalty shall be due thereon for a period of not to exceed three years.

NEW SECTION. Sec. 7. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Commencing with assessment as of January 1, 1984, for taxes due in 1985 business inventories shall be fully exempt under chapter 84.36 RCW. "Business inventories" shall have the meaning given to it in section 4 of this 1974 act.

Commencing with January 1, 1984, assessments for taxes due in 1985, taxpayers shall not be required to report, or assessors to list, the business inventories covered by this phase out exemption.

NEW SECTION. Sec. 8. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

All animals, birds, or insects, and all agricultural or horticultural produce or crops, including the milk, egg, wool, fur, meat, honey, or such other substance therefrom shall be assessed for the purposes of ad valorem taxes according to the following schedule:

Commencing with assessment as of January 1, 1974, for taxes due in 1975 the assessment level shall be ninety percent of true and fair value.

Commencing with assessment as of January 1, 1975, for taxes due in 1976 the assessment level shall be eighty percent of true and fair value.

Commencing with assessment as of January 1, 1976, for taxes due in 1977 the assessment level shall be seventy percent of true and fair value.

Commencing with assessment as of January 1, 1977, for taxes due in 1978 the assessment level shall be sixty percent of true and fair value.

Commencing with assessment as of January 1, 1978, for taxes due in 1979 the assessment level shall be fifty percent of true and fair value.

Commencing with assessment as of January 1, 1979, for taxes due in 1980 the assessment level shall be forty percent of true and fair value.

Commencing with assessment as of January 1, 1980, for taxes due in 1981 the assessment level shall be thirty percent of true and fair value.

Commencing with assessment as of January 1, 1981, for taxes due in 1982 the assessment level shall be twenty percent of true and fair value.

Commencing with assessment as of January 1, 1982, for taxes due in 1983 the assessment level shall be ten percent of true and fair value.

Commencing with assessment as of January 1, 1983, for taxes due in 1984 such inventories shall be fully exempt under chapter 84.36 RCW.

Commencing with January 1, 1983, assessments for taxes due in 1984, taxpayers shall not be required to report, or assessors to list, the inventories covered by this phase out exemption.

NEW SECTION. Sec. 9. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

The department of revenue shall promulgate such rules and regulations, and prescribe such procedures as it deems necessary to carry out sections 1 through 8 of this 1974 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 on May 1, 1974."

Senator Durkan moved adoption of the following amendment to the amendment:

On page 3, beginning on line 33, strike all the material down through line 2 on page 4.

POINT OF INQUIRY

Senator Atwood: "Would Senator Durkan yield? Senator Durkan, what is the fiscal impact of moving that up?"

Senator Durkan: "It will cost for immediate implementation three point eight million."

Senator Atwood: "I do not think we can stand it."

Senator Durkan: "We got six point two million in the bill."

Senator Atwood: "Okay, but I think. . . ."

Senator Durkan: "In the present budget there is six point two million."

POINT OF INQUIRY

Senator Greive: "Senator Atwood, I for one am certainly not committed on this and I would sure like to hear his explanation. If you have some reasons."

Senator Atwood: "It was my understanding we do not have the final posture, at least I have not seen them, of how much money is left. I think he may have it. He has six million and it costs three point four, then it may be within the projected revenue."

REMARKS BY SENATOR DURKAN

Senator Durkan: "Mr. President, the six point two was considered in the major appropriation bill. In addition to that, including if we use the six point two total which we are not going to do, if we use that on the low side we would have four point four left in the black, not counting the difference between the seventy-two and the eighty-two in the building of the Department of Social and Health Services. If you use that ten, then we have about fourteen million. So on the low side we end up with about seven million in the black, using the Senate's figures."

POINT OF INQUIRY

Senator Woody: "Will Senator Durkan yield? Senator, what will your next amendment be? Because it will depend to an extent upon what your next amendment is."

Senator Durkan: "Then I would move, if this amendment is adopted that on page 4, line 4, strike the word 'eighty' and substitute the word 'seventy-five'."

Senator Woody: "As I understand it then, if both of those were adopted there would be no reduction from January 1, 1975 due in 1976 at all and then from January 1, 1976 for taxes due in 1977, instead of being eighty it will be seventy-five percent of true value?"

Senator Durkan: "That is incorrect. There will be reduction for taxes of the last half of the 1974 year."

Senator Woody: "And then earlier today when you were asking a question about the ten year straight line basis that there be no fiscal impact until 1976, under your amendment there would be. Is that correct?"

Senator Durkan: "Under this amendment there will be. If you adopt this amendment there will be a fiscal impact for the total year of three point eight but it would be divided in half because we are only going to take the last half year's taxes so it would be half of three eight which is one nine."

Senator Woody: "Apparently my normally good rabbit ears have not been working too well. How come we are changing from what we were discussing earlier?"

Senator Durkan: "In an effort to bring the two houses closer together, the House had a five year phase out with the immediate implementation. The Senate's phase out is a ten year period with waiting until 1976. The House accepted a ten year phase out as far as the Senate is concerned and we then propose that the Senate accept the immediate implementation."

Senator Durkan moved adoption of the following amendment to the committee amendment:

On page 4, line 4, strike "eighty" and insert "seventy-five".

POINT OF INQUIRY

Senator Dore: "A question on the same subject matter. How much is this going to cost us the first year then. Could you just give us the total figure?"

Senator Durkan: "One point nine million. The last half of this year."

Senator Dore: "Last half. And then how much next year?"

Senator Durkan: "In 1976, would you like to have me read the totals?"

Senator Dore: "I noticed you switched from eighty percent to seventy-five percent so we lost a little there."

Senator Durkan: "That is correct."

Senator Dore: "So I just wondered what the total impact of your amendment is, assuming that we did not have it. How much more is being provided for, how much more reduction?"

Senator Durkan: "It would begin in 1976 rather than now so you are moving it up one year."

Senator Dore: "No, I just wondered what is the total impact of your amendment? It has two phases, one the last six months of this year plus you reduce from eighty down to seventy-five percent of value the second year, and I wondered, the question is, what is the total dollars involved by your amendment?"

Senator Durkan: "Three point eight million."

Senator Dore: "Three point eight million."

The motion by Senator Durkan carried and the amendments to the amendment were adopted.

Senator Dore moved adoption of the following amendment to the amendment by Senator Durkan:

On page 2, strike lines 6 through 12.

POINT OF INQUIRY

Senator Bailey: "Would Senator Durkan yield? Senator Durkan, I probably have missed a point or a line here someplace, but we were to reimburse the counties and the cities and the local districts for the money taken off of the property tax, personal property tax. Now I can see giving credit on the B & O, but that does not return anything to the counties or cities that I see. How. . .?"

Senator Durkan: "It is the state B & O."

Senator Bailey: "I see. This is what I wanted to straighten out. In other words the tax will be on the books but it will be a credit on another tax."

Senator Durkan: "That is right. State."

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

On motion of Senator Durkan, the following amendment to the amendment by Senator Durkan was adopted:

On page 5, line 12, after "May" strike "1" and insert "10".

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

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

On line 1 of the title, after "taxation;" strike the remainder of the title and insert the following:

"adding new sections to chapter 15, Laws of 1961 and to chapter 82.04 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding new sections to chapter 84.40 RCW; creating new sections; and declaring an emergency."

On motion of Senator Durkan, Engrossed House Bill No. 1301, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Day: "Would Senator Durkan yield to a question? Do you have any figures though on the counterbalancing factor of the business coming into the state?"

Senator Durkan: "It is problematical. We do not know because the tax is in existence. We do know, for instance, that many businesses in this state do not carry an inventory. I am personally familiar with one, an automobile agency that does not carry an inventory and when you go to buy a part, they will send to Portland to get the part. They do not carry them because of the inventory tax. We have had testimony from the public warehouses; we have had testimony from those who are interested in this, that it will generate more business in the state of Washington as a result of the elimination or phase out. The House wanted a five-year one. I am proposing the ten-year one because I think it is more appropriate."

Senator Day: "Thank you."

POINT OF INQUIRY

Senator Canfield: "Will Senator Durkan yield to a question? Senator, you referred to the elimination of agricultural inventories and I believe that the bill allows the elimination of salable agricultural inventory. Is that not correct?"

Senator Durkan: "That is right."

Senator Canfield: "But not the permanent inventory?"

Senator Durkan: "The farm machinery?"

Senator Canfield: "If the farm machinery is used just to operate the farm it would not be excused from the tax, would it? We are just excusing the salable inventory."

Senator Durkan: "The commodity that moves to market."

Senator Canfield: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Would Senator Mardesich yield? Senator Mardesich, a couple of hours ago I had my wife call the hotel and say, 'Hold the room for tonight.' Would you suggest I call her and have her hold it for tomorrow night, too?"

Senator Mardesich: "No, but you can go home and I will stay."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1301, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; excused, 6.

Voting yea: Senators Atwood, Bailey, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Greive, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H.

“Bob”), Mardesich, Marsh, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Sellar, Talley, Twigg, von Reichbauer, Wanamaker, Whetzel, Woodall—34.

Voting nay: Senators Beck, Fleming, Knoblauch, Ridder, Sandison, Van Hollebeke, Walgren, Washington, Woody—9.

Excused: Senators Francis, Grant, Guess, Keefe, Rasmussen, Stortini—6.

ENGROSSED HOUSE BILL NO. 1301, as amended by the Senate, having received the 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 Dore served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed House Bill No. 1301, as amended by the Senate, passed the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Durkan moved that the Senate immediately reconsider the vote by which Engrossed House Bill No. 1301, as amended by the Senate, passed the Senate.

Debate ensued.

MOTION

Senator Day moved that the motion for reconsideration by Senator Durkan be laid upon the table.

Debate ensued.

REMARKS BY SENATOR GREIVE

Senator Greive: “. . . I know you cannot lay a motion to reconsider on the table.”

REPLY BY THE PRESIDENT

The President: “Senator Greive, the motion by Senator Day is in order. It is possible to table a motion to reconsider.”

Further debate ensued.

REMARKS BY SENATOR DURKAN

Senator Durkan: “If we put my motion, if my motion carries, Senator Dore’s motion has been in effect defeated.”

There being no objection, the motion by Senator Day was withdrawn.

The President declared the question before the Senate to be the motion for reconsideration by Senator Durkan on the passage of Engrossed House Bill No. 1301, as amended by the Senate.

The motion for reconsideration by Senator Durkan failed.

MOTION

On motion of Senator Durkan, Engrossed House Bill No. 1301, as amended by the Senate, was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Durkan: “Mr. President, I would like to say goodbye and, Senator Dore, I am really going to miss you.”

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 3145,
 SUBSTITUTE SENATE BILL NO. 3146,
 SENATE BILL NO. 3257, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has failed to pass ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3042, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The House has failed to pass ENGROSSED SENATE BILL NO. 3243, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3283, with the following amendments:

On page 1, line 12 after "payable" strike "for the year in" and insert "in the year following the year in".

On page 2, line 19 following "any person" on line 19 and before "within" insert ", who otherwise qualifies under the provisions of this section, and is", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Donohue, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 3283.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3283, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Atwood, Bailey, Beck, Bottiger, Canfield, Clarke, Connor, Day, Donohue, Fleming, Greive, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Whetzel, Woodall, Woody—39.

Absent or not voting: Senators Dore, Durkan, Metcalf, Twigg—4.

Excused: Senators Francis, Grant, Guess, Keefe, Rasmussen, Stortini—6.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3283, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
 SECOND SUBSTITUTE SENATE BILL NO. 3283.

MOTION

On motion of Senator Sellar, Senators Metcalf and Scott were excused.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 155, by Senators Mardesich and Bailey: Extending forty-day limit on third extraordinary session by one day.

MOTIONS

On motion of Senator Mardesich, Senate Concurrent Resolution No. 155 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, Senate Concurrent Resolution No. 155 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

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

SENATE RESOLUTION 1974-268

By Senator Greive:

WHEREAS, Interior design is a profession not currently regulated in the state of Washington; and

WHEREAS, There is nothing in Washington law to prevent persons not truly qualified as interior designers from holding themselves out to the public as interior designers; and

WHEREAS, It would benefit the consumer public and the interior design profession to establish a form of regulation of interior design;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Senate Committee on Commerce shall study the interior design field and shall prepare a plan of licensing and regulation of the interior design profession; and

BE IT FURTHER RESOLVED, That the Committee on Commerce shall report the results of such study, any recommendations, and proposed legislation for regulation and licensing of interior design to the Forty-fourth Session of the Legislature.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1974-269

By Senators von Reichbauer, Walgren and Beck:

WHEREAS, The Washington National Guard is in the process of vacating the Nike missile base on Vashon Island; and

WHEREAS, The residents of Vashon Island have expressed great interest in the development of this site by the state of Washington into a state park, comprehensive health facility, or community center; and

WHEREAS, The site will shortly be abandoned and its land and facilities will be left unused;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Senate Rules Committee appoint a select committee of three members to study the feasibility of the state obtaining the Vashon Island Nike missile site from the federal government; and

BE IT FURTHER RESOLVED, That the select committee make its report and any recommendations previous to the next session of the legislature.

MOTION

Senator Woodall moved adoption of the following resolution:

SENATE RESOLUTION 1974-270

By Senators Woodall and Newschwander:

WHEREAS, The Washington state Legislature has reached and passed the agreed upon time of adjournment for the second time in recent memory; and

WHEREAS, In doing so, it has again engaged in the silly tactic of stopping the clock to extend deliberations into the wee hours of the morning; and

WHEREAS, Such actions result in the passage of bad legislation due to mental fatigue, physical weariness and sheer boredom; and

WHEREAS, Tempers flare and animosity arises due to the above factors and to the ridiculous precedent of the situation;

NOW, THEREFORE, BE IT RESOLVED, That commencing with the Forty-fourth Legislative Session, the Legislature shall not extend deliberations or continue in session past the hour of ten o'clock p.m.; and

BE IT FURTHER RESOLVED, That commencing with the Forty-fourth Legislative Session, no session of the Legislature shall be extended past the date agreed upon for adjournment, nor shall such extension be by any subterfuge or action such as stopping the clock; and

BE IT FURTHER RESOLVED, That this Resolution be adopted as part of the Joint Rules of this Legislature and as part of the Rules of the Washington State Senate.

MOTION

On motion of Senator Bailey, Senate Resolution 1974-270 was referred to the Committee on Rules.

MOTION

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

SENATE RESOLUTION 1974-271

By Senators Sandison, Marsh, Donohue, Scott, Metcalf and Odegaard:

WHEREAS, The question of district faculty relations at the state's community colleges has developed as an issue of multiple interests and considerable legal complexity; and

WHEREAS, The standing of community college boards of trustees vis-a-vis the State Board of Community College Education in the field of negotiations has been clouded by court interpretation; and

WHEREAS, Legislation adopted in 1973 revising the Community College Professional Negotiations Act was recognized as remedial rather than comprehensive; and

WHEREAS, Consensus could not be achieved with respect to the most recent legislative proposal relating to faculty negotiations;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Committee on Higher Education be requested to conduct a study of this issue, including, but not limited to:

(1) The unique process of faculty negotiations at the community college level, in light of the dual authority structure of the system;

(2) The appropriate roles of trustees, administrators, and negotiating units in the community college district, as well as that of the State Board for Community College Education; and

(3) The question of the possible state interest in a statewide salary schedule; and

BE IT FURTHER RESOLVED, That the Committee on Labor be requested to cooperate in the study, bringing to bear its expertise in the broader field of labor relations in general; and

BE IT FURTHER RESOLVED, That the Committee on Higher Education be authorized to hold hearings, take testimony, and seek the expression of views from the full range of interests on this issue; and

BE IT FURTHER RESOLVED, That the Committee on Higher Education report its findings, together with appropriate legislative recommendations before the convening of the Forty-fourth Legislature.

MOTION

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

SENATE RESOLUTION 1974-273

By Senators Sandison, Bailey, Mardesich, Atwood and Lewis (Harry):

WHEREAS, The Third Extraordinary Session of the Forty-third Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Third Extraordinary Session and the commencement of the Forty-fourth Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to complete the work of the session, to reply to and give necessary attention to correspondence and other details arising therefrom; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute with the President, or the President Pro Tempore, the necessary vouchers upon which warrants for the foregoing expenses and expenditures shall be drawn from funds provided therefor for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to have a copy of the Senate Journal of the Third Extraordinary Session of the Forty-third Legislature, together with a suitable index therefor, prepared by the State Printer; and

BE IT FURTHER RESOLVED, That after the close of the session the Secretary of the Senate, and the President, or the President Pro Tempore, of the Senate be, and they hereby are, authorized and directed to prepare and execute the necessary vouchers upon which warrants shall be drawn for the final payment of all expenses incurred after the adjournment of this Third Extraordinary Session of the Forty-third Legislature in closing the business of such session, in providing for the interim period between the closing of such session and the convening of the next regular or special session of the Legislature and in the preparation for such convening; and

BE IT FURTHER RESOLVED, That all accounts payable incurred up to and including this date, covering Senate expenditures made, or obligations incurred, which are payable out of the funds appropriated for the payment of expenses of the Forty-third Legislature, and which are presented for payment after adjournment, must bear the approval of the President, or the President Pro Tempore, of the Senate and the Secretary of the Senate.

MOTION

Senator Bottiger moved adoption of the following resolution:

SENATE RESOLUTION 1974-272

By Senator Bottiger:

WHEREAS, There has been a dramatic expansion of public needs and governmental services in the State of Washington during the past ten years; and

WHEREAS, The Legislature of the State of Washington has begun to transform its procedures with respect to its constitutional responsibilities by modifying an inaccurate and inflexible budget adoption process that requires appropriation of funds as much as two and one-half years prior to being fully expended, and by eliminating delay in legislative response to such needs and services through the means of full-time research and administrative staff; and

WHEREAS, This transformation has attempted to retain the benefits of a part-time citizen legislature and encourage increased citizen concern with and participation in the legislative process by maintaining continuity of standing committee deliberations during a two-year period, and by enabling legislative standing committees to spend enough time for thorough inquiry into pending issues; and

WHEREAS, This transformation has required increasing "session length" each biennium beyond the constitutional limit of sixty days in the following progression:

1967-69	.....	112 days
1969-71	.....	152 days
1971-73	.....	164 days
1973-75	.....	147 days; and

WHEREAS, The public needs and governmental services requiring longer legislative sessions each year have been accompanied by rapid change in the economy which strain the budget process, by substantial injection of federal funds requiring reallocation of financial resources, by pressures on the inflexible and inequitable tax system of the state, and by rapidly shifting social priorities requiring legislative response; and

WHEREAS, This transformation of the legislative process is a novel and unresolved problem with few guidelines; but

WHEREAS, Experimentation is required in order to transform legislative procedures adopted in the nineteenth century into more effective and efficient modern organization even though such experimentation has only been partially successful and has caused extreme hardship to and disagreement among legislators causing public doubt about its elected representatives;

NOW, THEREFORE, BE IT RESOLVED, That the Legislature request its respective House and Senate Rules Committee to re-examine all elements of the legislative process.

BE IT FURTHER RESOLVED, That the respective Rules Committees of the House and Senate analyze and report to the Legislature recommendations for the alteration of the budget consideration process, including time requirements for adequate examination of the budget and the creation of state revenue and budget systems which might better predict changes in revenue raising and spending.

Debate ensued.

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

PERSONAL PRIVILEGE

Senator Lewis (Harry): "Mr. President and members of the Senate, I would like to take this opportunity to pay tribute to the President of the Senate for his kindness and consideration for the minority caucus over here. We think that you have been very fair and that you really work at being fair, in addition to being quite a linguist. And we just want to express to you, Governor John, our appreciation for that attitude which is very important to us and which we very much appreciate, sir."

REPLY BY THE PRESIDENT

The President: "Thank you very much, Senator Lewis."

PERSONAL PRIVILEGE

Senator Atwood: "Mr. President, I would like to join in Senator Lewis's remarks and I would like to compliment the majority leader. He was unduly quiet today. He is sick of giving us marching orders and having open revolt in his ranks. But he has been fairly fair except this operating without rules is really for the birds. I hope that for those of us who come back you will adopt rules next time. If we are in control, I am sure that will be the first order of business. This majority rule stuff is really tough."

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

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1301, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed SECOND SUBSTITUTE SENATE BILL NO. 3283, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 23, 1974.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 155, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 155.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "Mr. President and members of the Senate, this will be the last speech from me for tonight. I would just like to comment as a former House member and a member of this body for several years, on the attitude of the majority party which I think has been admirable frequently — infrequently. Seriously, I think that one of the constructive things that has happened in this body since I have been here and witnessed it and taken part has been the attitude of the majority party, its majority leader, its caucus chairman, its President Pro Tempore and your committee chairmen in permitting the minority to take part in the legislative process to the extent that you do. We object many times and feel that you do not go quite far enough, but on the constructive side of the issue I think that Senator Atwood's work in the area of Ways and Means, Senator Woodall's work in the law area, I think that most of our group has enjoyed the opportunity and I think because of your attitude you have gotten constructive work, which is better and right for the people of the state of Washington, and I commend you because this is not the case in all legislatures and it is certainly a great improvement over here from the condition in the House. So I do commend you and congratulate you on making the effort."

PERSONAL PRIVILEGE

Senator Ridder: "Mr. President, I have a hunch Senator Fleming and I had the same reaction. We, too, were going to congratulate the majority party on their treatment of the minority."

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President and fellow Senators, I am going to be real light on you today, Harry. I am going to take it easy on you. But I am glad that you recognize that we have been pretty fair. And I hope that you are speaking in behalf of all your members over there because if you would consider the record of the Committee on Local Government, probably out of some hundred plus bills over the Forty-third Session that got out of there, probably seventy of them were Republican bills, so I want to let you know that there are some of us chairmen who are indeed fair, even though you treat me badly sometimes."

PERSONAL PRIVILEGE

Senator Woodall: "I think the reason was that Senator Fleming just kind of likes to be nice to minorities."

PERSONAL PRIVILEGE

Senator Mardesich: "I do not know whether you really noticed it, but that guy Lewis can make it sound nicer when he is shafting you than anybody I ever saw."

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 156, by Senators Bailey, Mardesich, Atwood and Lewis (Harry):

Directing joint committee be appointed to notify governor the legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Mardesich, Senate Concurrent Resolution No. 156 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, Senate Concurrent Resolution No. 156 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 156, the President appointed Senators Bailey, Lewis (Harry) and Mardesich as a committee of three from the Senate to join a like committee from the House of Representatives, to notify the Governor that the Legislature was about to adjourn SINE DIE.

MOTION

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

MOTION

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

SENATE RESOLUTION 1974-274

By Senators Bailey and Atwood:

BE IT RESOLVED, That all bills, resolutions and memorials in the hands of the Secretary of the Senate, committees or committee clerks be indefinitely postponed.

MOTION

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

SENATE RESOLUTION 1974-275

By Senators Bailey, Mardesich, Atwood and Lewis (Harry):

BE IT RESOLVED, That a committee of three members of the Senate is appointed to notify the House that the Senate is ready to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1974-275, the President appointed Senators Atwood, Donohue and Walgren to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Walgren, the committee appointments were confirmed. There being no objection, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 1974.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 156, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 156.

MESSAGES FROM THE HOUSE

April 23, 1974.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 156, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 155, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 23, 1974.

Mr. President: The Speaker has signed HOUSE BILL NO. 1301, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1301.

PRESIDENT'S PRIVILEGE

The President: "Ruthe and gentlemen, I should like very much to express my appreciation and thanks for your kindness, your many courtesies and your forbearance in overlooking numerous areas and shortcomings. I should also on behalf of the members of the Senate thank Sid Snyder and his wonderful staff and all of the other people who have served the Senate so very well. They have done a grand job and I am sure that they have earned everyone's deepest appreciation."

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY GOVERNOR
OF ADJOURNMENT SINE DIE

The Senate members of the special committee appointed under provisions of SENATE

CONCURRENT RESOLUTION NO. 156, composed of Senators Bailey, Lewis (Harry) and Mardesich to notify the Governor, together with a like committee from the House of Representatives, that the Legislature was about to adjourn SINE DIE, appeared before the bar of the Senate and reported that the committee had so notified the Governor.

The report was received and the committee was discharged.

PERSONAL PRIVILEGE

Senator Knoblauch: "Mr. President, this will be the last time that we will have the opportunity to say thanks to three very fine Senators now on the rostrum with you and I think all of us want to say once again, good luck and God bless you, Senator Frank Connor, Senator Damon Canfield, and Senator Bob Twigg.

PERSONAL PRIVILEGE

Senator Woodall: "Mr. President, I am sure Senator Knoblauch did not mean to leave out United States Representative Bailey from that group."

COMMITTEE FROM THE HOUSE NOTIFYING SENATE OF ADJOURNMENT SINE DIE

The Sergeant at arms announced the arrival of a committee from the House of Representatives. The committee, comprised of Representatives Warnke, Ceccarelli and Eikenberry, appeared before the bar of the Senate to notify the Senate that the House of Representatives was about to adjourn SINE DIE.

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

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY HOUSE OF REPRESENTATIVES OF ADJOURNMENT SINE DIE

The Senate members of the special committee appointed under the provisions of Senate Resolution 1974-275 comprised of Senators Atwood, Donohue and Walgren to notify the House of Representatives that the Senate was ready to adjourn SINE DIE reported that the House of Representatives had been notified.

The report was received and the committee was discharged.

MOTIONS

On motion of Senator Bailey, the Senate Journal of the Forty-first Day, Forty-third Legislature, Third Extraordinary Session, was approved.

At 7:25 p.m. on motion of Senator Bailey, the Senate of the Forty-third Legislature, Third Extraordinary Session, adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

GOVERNOR'S MESSAGES ON SENATE BILLS VETOED AND PARTIALLY VETOED

1974

FORTY-THIRD LEGISLATURE THIRD EXTRAORDINARY SESSION

Office of the Governor, February 19, 1974.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADY AND GENTLEMEN:

I am returning herewith without my approval SECOND REENGROSSED SENATE BILL NO. 2004 entitled:

"An Act relating to the establishment and operation of a state lottery."

Since the approval by the people of this state in November, 1972 of SJR 5, there have been widely divergent opinions as to what types of gambling the people had in mind and approved by their vote. Consistent with my own belief that the people had reference to activities such as bingo, raffles, and other social pastimes, I have heretofore vetoed items in bills passed by the Legislature which exceeded, in my opinion, the mandate of the people as expressed in November, 1972.

Second Reengrossed Senate Bill No. 2004, which provides for the creation of a state lottery regulated by the State Gambling Commission and administered by a director of the state lottery appointed by the Commission, far exceeds, to the best of my judgment, the boundaries of activity contemplated and approved by the people in the passage of SJR 5.

For the first time in the history of this state, our state government would be engaging itself in a gambling activity as a principal participant. Supporters claim that a state lottery will raise revenues for the state without resort to additional taxation. Experience in other states has shown, however, that a state lottery is an unreliable source of steady revenue, and that a good portion of the revenue raised must be put back into the administrative and operational costs. In a day when our citizens increasingly express their disapproval of unrestrained growth in government at all levels, creation of a wholly new bureaucracy to administer a state lottery is not a proper response.

Experience in other states has also shown that a state lottery is a regressive form of taxation because its appeal is greatest to those in lower income groups and who can least afford it. Proponents claim that the money spent on a state lottery would be spent in any event on other forms of gambling activity. This does not justify, however, the state from going into the gambling business. Nor does it account for the fact that a state lottery, because of its high administrative and operational costs, has a far lower payback rate than any other comparable form of gambling. It is commonly known that sophisticated gamblers do not spend their money on state lotteries because of the low payback rate. Correspondingly, the conclusion is reached that a state lottery is commonly financed in great part by the unsophisticated, whether rich or poor.

I am, moreover, extremely reluctant to approve a measure which would result in the state, by its actions, fostering a climate of gambling that may at some point in time, lead to professional gambling and the various forms of criminal activity associated therewith.

In a time when the integrity of government has become a major concern of our society, — believe that an effort by the state to finance itself to any extent by engaging in a gambling activity is an acknowledgment by the state and the citizens that income may be secured not by work or other rendition of services but by an evasion thereof, and that there is nothing wrong with the exploitation of those least able to pay.

I am confident that the people of this state have higher ideals than these and that they reject the notion that any way for the state or for the individual to secure money is quite satisfactory.

For these reasons, I have determined to veto Second Reengrossed Senate Bill No. 2004.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 14, 1974.

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

LADY AND GENTLEMEN:

I am returning herewith without my approval as to one item SENATE BILL NO. 2329 entitled:

"An Act relating to state government."

This bill provides for certain changes in the procedures governing the legal services revolving fund. Section four would repeal the authority currently granted which allows disbursements from the fund in excess of the amount appropriated at the request of an agency requiring additional legal services and upon the approval of the Office of Program Planning and Fiscal Management. The difficulty with such a repeal is that it is not at all clear that the additional payments from an agency's appropriated funds to the revolving fund would constitute an unanticipated receipt for the purpose of exceeding the revolving funds appropriation through that process. If it were determined that such inter-agency reimbursement were not an unanticipated receipt, the needed flexibility provided for currently would be lost. Accordingly I have vetoed that item consisting of section four.

With the exception of that item noted above, I have approved Senate Bill No. 2329.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 19, 1974.

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

LADY AND GENTLEMEN:

I am returning herewith without my approval ENGROSSED SENATE BILL NO. 2488 entitled:

"An Act relating to motor vehicles."

This bill would amend the implied consent law to remove the automatic six month license suspension against a driver who subsequently pleads guilty to the charge of driving while under the influence of intoxicating liquor.

This represents a substantial change in the law that was passed as an initiative by an overwhelming majority of voters over five years ago. The law has unquestionably played a significant role in reducing the highway death rate in this state during the years the law has been in effect.

The effectiveness of the law as a deterrent to drunk driving rests principally in the threat of driving privileges from the suspension of a drunk driver's license. Any reduction in that threat will likely result in the lessening of the law as a deterrent to drunk driving.

This bill would reduce the deterrent effect of the law by taking away the automatic suspension of license upon a subsequent guilty plea. This would undoubtedly encourage some drivers to enter such a plea in order to regain this driving privilege, and in the process will remove much of the threat of certain license suspension under the existing law.

The bill also presents constitutional problems in opening the way for charges of "coerced" guilty pleas which have a "chilling effect" on the constitutional right of defendants to a trial. More importantly, however, the integrity of the implied consent law must not be disturbed.

For these reasons, I have determined to veto Engrossed Senate Bill No. 2488.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 6, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to certain items ENGROSSED SUBSTITUTE SENATE BILL NO. 2906 entitled:

"An Act relating to noise abatement and control."

Section 3 contains an item that would exempt from the requirements of this act all agricultural equipment and machinery. While recognizing that agricultural equipment and machinery may not impact the environment insofar as noise is concerned to the same extent as industrial and other equipment, the blanket exemption granted in this bill is unwarranted. The same section specifically mandates the Department of Ecology to take into account, when adopting noise standards, such factors as economic and practical benefits, the relative permanency of the source of noise, and the technological status of such sources. If the department proves unwilling or unable to take proper consideration of these factors in respect to agricultural equipment and machinery, the Legislature may well enact such an exemption in the future. For these reasons, I have determined to veto the referenced item.

Section 5 prescribes a civil penalty in an amount not to exceed one hundred dollars for each violation of a rule or standard promulgated pursuant to the act. The applicability of the penalty is substantially reduced by an item requiring the violation to be knowing and wilful, thus approximating the intent required for criminal sanctions. A similar civil penalty provision can be found in several other statutes such as the Water Pollution Control Act (RCW 90.48.142), the Air Pollution Control Act (RCW 70.94.431), and the recently enacted Forest Practices Act (Section 17, chapter 137, Laws of 1974 Third Extraordinary Session). None of these other acts cited require that a violation be knowing and wilful for the application of the civil penalty. Accordingly, I have vetoed the referenced item.

Section 9, which provides an elaborate legislative review procedure over rules and regulations adopted under the act, violates the fundamentals of good government by interposing legislative interference in the administrative process. The legislature will always have the prerogative to set, by legislation, basic policy and such guidelines as may be needed for its implementation. Having done so, however, an administrative agency must be entrusted to carry out its delegated functions without having to seek legislative approval at every turn of the decision-making process. Accordingly, I have determined to veto section 9.

With the foregoing exceptions, I have approved the remainder of Engrossed Substitute Senate Bill No. 2906.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 6, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to certain sections ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2940 entitled:

"An Act relating to food fish and shellfish; conserving the salmon resources by limiting the number of commercial licenses and vessel delivery permits valid for salmon."

Section 5 restricts the number of commercial salmon fishing licenses held by any

licensee to the number of licenses held in 1973 for each type of commercial gear. This restriction contradicts and is inconsistent with other provisions pertaining to the limitation on issuance of licenses appearing in sections 2, 4, and 6. Accordingly, I have vetoed section 5.

Section 8 authorizes issuance of additional licenses and permits in a number not exceeding three percent of the total number issued the previous year. Based on present licensing figures, the potential number of additional commercial licenses over a three year period at this rate of increase would be in excess of four hundred. This result would be inconsistent with the basic aim of the bill to impose a moratorium on the issuance of new licenses. Section 10 of the bill also directs the Department of Fisheries and the industry to evaluate continually the status of our commercial salmon resources and the fishing industry as affected by the provisions of this act. If there is reason to allow an increased number of licenses, such action should accordingly be recommended to the Legislature. For these reasons, I have determined to veto section 8.

With the foregoing exceptions, the remainder of Engrossed Third Substitute Senate Bill No. 2940 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 15, 1974.

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

LADY AND GENTLEMEN:

I am returning herewith without my approval ENGROSSED SENATE BILL NO. 3023 entitled:

"An Act relating to irrigation."

This bill exempts from the requirement of RCW 43.21C.030 relating to the filing of environmental impact statements those decisions pertaining to certain applications for irrigation waters of fifty cubic feet per second or less, an amount which would be sufficient to irrigate up to 3,000 and 4,000 acres of farm land.

The bill represents the first time the Legislature has provided a direct exemption to the environmental impact statement requirement of the State Environmental Policy Act of 1971. I do not believe the exemption can be justified in light of the scope of the irrigation project involved.

I further do not believe that the problems caused by the State Environmental Policy Act should be remedied by the Legislature on a piecemeal basis. At the outset of the Third Extraordinary Session of the Legislature, I submitted by Executive Request concurrently in the House and Senate, House Bill 1545 and Senate Bill 3310 providing for revisions in the State Environmental Policy Act which would alleviate some of the unwarranted difficulties caused by the act by simplifying some of the procedural requirements for proposals which do not have a substantial impact on the environment. I believe the Legislature should enact this proposal or a similar proposal which would equitably address the problems of all concerned while retaining the integrity of the State Environmental Policy Act.

For the foregoing reasons, I have determined to veto Engrossed Senate Bill No. 3023.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 16, 1974.

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

LADY AND GENTLEMEN:

I am returning herewith without my approval SENATE BILL NO. 3039, entitled:

"An Act relating to parks and state lands."

Senate Bill No. 3039 provides for the extension of existing leases of transmitter sites

for KVOS-TV on Mt. Constitution and KXLY-TV on Mt. Spokane. Both of these areas are within state parks.

On May 8, 1972 after appropriate public hearings, the State Parks and Recreation Commission adopted a policy regarding non-park structures within state park boundaries. The policy states in part:

"The Commission is firmly opposed to the placement on park lands of any facilities which will adversely affect public recreation or despoil the natural environment. Public recreational needs and park values are paramount to any other use. Conflicting uses shall be considered only when public welfare, safety, or necessity clearly requires the use of the site when no suitable alternative site exists.

When non-park structures are permitted on parks they shall be designed, built, and maintained with the least possible intrusion on park values, and made to serve public recreational needs whenever possible.

Users of such non-park facilities shall be required to combine and to share buildings and antenna-supporting towers where feasible. Outstanding leases notwithstanding, all users and lessees shall be expected to cooperate with any proposal of the Commission to combine into a structure or structures suitable for joint use."

In compliance with this policy the Commission has determined the necessity for KXLY-TV to remain on Mt. Spokane. The new lease agreement between the commission and KXLY-TV is scheduled to be signed in March 1974. In compliance with the same policy, the Commission has determined not to renew the KVOS-TV lease on Mt. Constitution but has extended the existing lease to August 11, 1975, because of the delay involved during the negotiations and final Commission decision.

In the case of KXLY-TV the Commission has found that necessity exists. A lease will be signed in March and the issue shortly will be moot. In the case of KVOS-TV an alternate site exists and is readily available. I believe the policy of the Commission relative to non-park facilities on park lands is appropriate and was properly exercised in relation to KVOS-TV and Mt. Constitution.

I further believe that the determination of this policy and its implementation should properly remain with the Commission, which was previously granted this authority by the Legislature.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 14, 1974.'

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

LADY AND GENTLEMEN:

I am returning herewith without my approval as to certain items ENGROSSED SENATE BILL NO. 3040 entitled:

"An Act relating to the public health and to hospitals, health care facilities and the equipment thereof; creating the Washington health care facilities authority, prescribing its powers and duties, authorizing the issuance thereby of bonds and other obligations and providing their terms and security; and adding a new chapter to Title 70 RCW."

Subsection 3 in section 4 of the bill permits the health care facilities authority to issue special fund bonds for redeeming, funding, or refunding outstanding bonds. The subsection contains, however, misleading terms that could be construed to mean that refunded bonds are obligations of the participating hospitals rather than obligations of the authority. This could conceivably result in a challenge under Article 8, Section 5 of the State Constitution prohibiting the credit of the state to be given or loaned to any individual, association or corporation. Accordingly, I have vetoed those items.

Section 8 of the bill provides for the disposition of proceeds of bonds issued pursuant to this act. The expressed intention in section 4(5) that the bond proceeds may be used by the authority as well as by participants for the various purposes stated therein is clouded by an item in section 8 that could be construed to mean that such proceeds may only be used by participants. To clarify the intent of the act, I have vetoed that item.

Section 10 of the bill enumerates the powers granted to the authority, including an item relating to borrowing money on its credit or revenues, charges and fees. The language can be reasonably interpreted to suggest that the authority is permitted under the act to issue general obligation bonds, which, to my understanding, is not the intent of the bill. For this reason, I have vetoed that item.

With the exception of those items listed above which I have vetoed, I have approved the remainder of Engrossed Senate Bill No. 3040.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 15, 1974.

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

LADY AND GENTLEMEN:

I am returning herewith without my approval SENATE BILL NO. 3130 entitled:

"An Act relating to the Clearcreek interchange."

This bill provides for an appropriation to the highway commission for the construction of the Clearcreek interchange on state route 3 in the vicinity of Silverdale.

By legislative mandate, our state highway construction program has proceeded on the basis of a priority system founded on specific statutory guidelines. The need for this priority system was well stated by the Legislature and is now codified in RCW 47.05.010:

"The Legislature finds that anticipated revenues available for state highways for the foreseeable future will fall substantially short of the amount required to satisfy all of the state highway needs . . ."

The appropriation of funds in this bill for the construction of the Clearcreek interchange circumvents the priority programming concept set by the Legislature. While construction of the interchange would unquestionably enhance the safety conditions at the present intersection, the state highway commission has determined that there are, at this moment, other intersections and highway crossings around the state which pose even greater dangers and which warrant more immediate action.

The problem is compounded by substantially reduced revenues from the sale of gasoline caused by the shortage of that fuel. More than ever, the concept of priority programming must now be adhered to in light of the serious shortage of highway funds. It is indeed unfortunate that the Legislature has now recessed for an extended period of time without taking any action on the problem of reduced revenues from the sale of gasoline. It is my strong hope that the Legislature will, at the earliest opportunity, enact a change in the method of highway and transportation funding in order that meritorious and needed projects such as the Clearcreek interchange may be funded.

For the foregoing reasons, I have determined to veto Senate Bill No. 3130.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 5, 1974.

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

(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to certain items ENGROSSED SUBSTITUTE SENATE BILL NO. 3146 entitled:

"An Act relating to public buildings."

This bill provides for the setting aside of portions of appropriations for capital expenditures to be used for acquisition of art works for public buildings.

Sections 2 and 5 contain identical items providing that if an accepted construction bid is under ninety percent of the total appropriation, the expenditure for art works shall be reduced pro tanto. This language potentially creates some serious administrative problems inasmuch as the construction of a building may involve a series of bids on different phases of the project. In the absence of any definition in the bill of what constitutes "construction bid", it would be difficult to determine to what extent the expenditure for art works should be reduced. Accordingly, I have vetoed the referenced items.

Section 3 requires the Washington State Arts Commission to consult with the State Capitol Committee in the purchasing of art works and the selection and commissioning of artists in connection with projects supervised by the Director of the Department of General Administration. By statute, the State Capitol Committee is limited in its jurisdiction to the real property and improvements within the state capitol campus. Section 3 results in the unwarranted broadening of the jurisdiction of the State Capitol Committee, and I have determined to veto those items which require consultation with that committee by the Arts Commission.

With the exception of the foregoing items which I have vetoed, the remainder of Engrossed Substitute Senate Bill No. 3146 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, February 13, 1974.

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

LADY AND GENTLEMEN:

I am returning herewith without my approval as to one item SENATE BILL NO. 3184 entitled:

"An Act Relating to public employment."

This bill permits former employees of a city of the first class of over two hundred thousand population who are now employed by the fire department of such city to transfer their pension credits from the city retirement system to the firemen's pension system.

A similar bill, Chapter 143, Laws of 1973, was enacted in the 1973 regular session of the Legislature allowing former city employees of first class cities who are now employed by the city police department to transfer their pension credits in like manner.

The 1973 act did not restrict its application to only a first class city of over two hundred thousand population, and there is no good reason why Senate Bill No. 3184 should be so restricted. Legislative consistency dictates that benefits conferred to a class of employees be made equally available to all those eligible within that class.

For the foregoing reasons, I have determined to veto the item in section 1 of the bill which restricts the application of the bill to solely a first class city of over two hundred thousand population, so that the bill will be applicable to all first class cities. The remainder of Senate Bill No. 3184 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 5, 1974.

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

(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to one item, ENGROSSED SENATE BILL NO. 3202 entitled:

"An Act relating to higher education; creating the college work-study program."

This bill provides for the creation of a college work-study program designed to extend

financial aid to students in this state pursuing post-secondary education. The bill was originally drafted by and submitted to the Legislature at the request of the Council on Higher Education.

Section 2 of the bill was amended in the Senate to restrict eligibility for assistance under the program to United States citizens only. The effect of this restriction is not only to preclude assistance to students from other countries, but also students who have immigrated to and permanently reside in this country but who have not yet attained citizenship. Recognizing that these students may also be in need of financial assistance, the federal college work-study program specifically provides that they may also be eligible.

If the Legislature is concerned that expenditure of state funds under this program benefit primarily residents of this state, that concern is sufficiently covered in section 6(3) of the bill which places priority on the securing of work opportunities for Washington State residents. To impose a further requirement of United States citizenship would result in unwarranted discrimination against non-citizen students who are immigrants and who have been lawfully admitted to this country as permanent residents. Such discrimination raises a serious question on the constitutionality of the bill.

With the exception of that item in section 2 which restricts eligibility for the college work-study program to United States citizens, which I have vetoed for the foregoing reasons, the remainder of Engrossed Senate Bill No. 3202 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 6, 1974.

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

(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to certain sections and items ENGROSSED SUBSTITUTE SENATE BILL NO. 3253 entitled:

"An Act relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations."

The specific sections and items which I have vetoed are as follows:

1. *Superior Court Judges* – On page 2, lines 11 through 17, I have vetoed the entire section 2.

This appropriation of \$35,333 was intended to fund the costs for two additional Superior Court judges authorized by Senate Bill No. 3181. The bill authorizing additional judges was not approved by the Legislature, and this appropriation is unnecessary.

2. *Department of Commerce and Economic Development* – On page 3, lines 12 through 17, I have vetoed the entire section 7. Section 7 proposes an appropriation of \$23,106 from the State Trade Fair Fund to the Department of Commerce and Economic Development for a Washington State Aviation Trade Fair. Through the enactment of Chapter 43.31 RCW, the Legislature determined that the State Trade Fair Fund should not be subject to appropriation. Expenditures from the fund are governed by the provisions of Chapter 43.31 RCW, and this appropriation is clearly contrary to the intent of that earlier legislative decision. If the Legislature desires to reverse an earlier decision on a non-appropriated fund, that change should be effected by amendment of the basic statute rather than through the appropriation bill. It should be noted that the veto of this section will not prevent the Department of Commerce and Economic Development from expending funds for a Washington State Aviation Trade Fair under the present provisions of Chapter 43.31.

3. *Employment Relations Commission* – On page 4, lines 11 through 30, I have vetoed the entire section 13. This proposed appropriation of \$155,000 was intended to fund the Employment Relations Commission and its Advisory Committee to be authorized by

Engrossed Substitute House Bill No. 1341. The bill authorizing the Commission was not approved by the Legislature, and this appropriation is unnecessary.

4. *Department of Agriculture* – On page 6, section 19, I have vetoed the item on lines 22 and 23 which requires the Department of Agriculture to contract with the Department of Game for the study of predator control funded in this section.

Although predators do affect both game and non-game wildlife species, this particular study is intended chiefly to control livestock predators. Because of this emphasis on the protection of livestock, the study should be conducted by the Department of Agriculture rather than through the Department of Game. The deletion of the referenced item will ensure that the study is conducted by the agency having major responsibility for livestock programs.

5. *Department of Employment Security* – On page 9, section 22, line 22, I have vetoed the item “WIN”.

The proposed wording of this proviso would specifically require that federal “WIN” funds be used to contract with Neighbors in Need for training, job placement, and other employment services to make persons served by Neighbors in Need employable. The specification that only federal “WIN” funds be used for this purpose, however, is unduly restrictive. There is no assurance that “WIN” funds will be available, and there is a possibility that other federal funds might be available for use in this worthwhile program. The deletion of “WIN” in this section will enhance the possibility that federal funds might be obtained.

6. *Department of Social and Health Services* – On page 11, section 24, line 1, I have vetoed the item “by the director”.

These words appear in a proviso which is intended to give counties, cities and other political subdivisions the authority to lease publicly-owned social and health care facilities to private organizations. In copying the proviso from an existing statute, these words were inadvertently included. If the words are not deleted, the intent of this proviso cannot be accomplished.

7. *Department of Social and Health Services* – On page 22, section 25, I have vetoed the proviso starting on line 27 and ending on page 23, line 6, which prohibits the Department from imposing ratable reductions in public assistance grants.

The proviso could impose on the Department a task that might not be possible to perform. It would require the Department to meet the necessary caseload financial costs from established appropriations without imposing ratable reductions or reducing grants. Should the legislature’s estimate of caseloads prove to be mistaken and the caseload increases, the Department would have no choice but to reduce grants through ratable reductions or otherwise lower maximum grants so as to avoid expending funds in excess of those appropriated.

8. *Board of Prison Terms and Paroles* – On page 61, lines 22 through 28, I have vetoed the entire section 49.

This appropriation of \$211,297 was intended to fund the costs of reorganizing the Board of Prison Terms and Paroles under the provisions of Engrossed Substitute House Bill No. 647. This bill was not approved by the Legislature, and the appropriation is unnecessary.

9. *Department of Revenue* – On page 62, section 50, I have vetoed the proviso starting on line 3 and ending on line 6.

Under this proviso, the Department of Revenue would be required to use 1972 values instead of the 1973 values which would be contrary to legislative intent. The confusing language in this section was a result of an error in legislative drafting, and removal of this proviso is supported by the Department of Revenue to clarify the basis of distribution to library districts as contained in this section.

10. *Department of Revenue* – On page 62, I have vetoed the entire section 51.

This appropriation is intended to reimburse certain taxing districts in Pierce County for losses they might suffer under the recent Washington State Supreme Court decision in *Valentine v. Johnston*, 83 Wn. 2d 390 (1974). I am vetoing this section in its entirety for several reasons. First, the language used in the appropriation may be technically in error since it provides for a payment to the Pierce County Refund Fund for amounts *paid to*

certain taxing districts. Payments from the Refund Fund are *not* made to the taxing districts but rather to the individual taxpayer. Second, the necessary mechanics already exist in the present property tax laws (RCW 84.68.030 and 84.68.040) for the county to reimburse itself for payments from the County Refund Fund. County officials also have several other alternative courses of action to make the necessary adjustments. Third, this appropriation discriminates against certain units of local government such as the county and port districts in that they are excluded from the proposed reimbursement. Fourth, this appropriation requires taxpayers all over the state to provide the necessary funds to resolve a problem unique to a single county. This is not equitable nor is it necessary given the fact that local officials have ample means to resolve the problem.

11. *Department of Ecology* – On page 63, I have vetoed the entire section 54.

This section appropriates \$680,400 from federal sources to the Department of Ecology and directs that this amount be granted by the Department to activated air pollution control authorities.

Presently the Environmental Protection Agency directs the manner and designates agencies which may receive federal funds available for air pollution control. The effect of the language in this section could bring the state in conflict with federal regulations and jeopardize the receipt of any of these federal funds. Federal funds are made available to the state for a statewide air pollution control program with available funds directed to be used by those agencies which the Environmental Protection Agency considers can contribute the most to statewide control. If the Environmental Protection Agency were to require that a lesser amount than that contained in the appropriation should go to local authorities and a greater amount to the Department of Ecology, this appropriation could result in withholding of all federal air pollution control funds from the state. Further, should any local authority cease to function, which is a possibility, the Department of Ecology is required by state statute to carry out the air pollution control efforts in that area. Federal funds designated for that area should reasonably be available to the Department to carry out those responsibilities. This would not be possible under the terms of this section.

12. *Apportionment Formula Funds* – On page 70 I have vetoed the entire section 73.

The section would require local school districts to place a high priority on reducing special levies to the extent that any districts receive state apportionment formula funds in excess of those anticipated when the districts established their excess levies for collection in 1975.

This section purports to direct that the twenty-five million dollars appropriated in section 33 of this bill be employed for relief of special levies. In fact, it does nothing of the kind, inasmuch as the referenced appropriation was not made through the apportionment formula. To say that this constitutes special levy relief is a cruel hoax to beleaguered taxpayers across the state.

It now appears that the twenty-five million dollars appropriated in section 33 may be channeled to fund salary increases for certificated personnel. I initially contemplated vetoing both sections 33 and 73 on the grounds that the purported special levy relief passed by the Legislature was purely fictitious. I have instead determined to veto only section 73 and allow the section 33 appropriation to be used for salary increases for certificated personnel. Any such increases will be taken into account when I next present a request to the Legislature to deal with the question of salary increases for state employees and employees in the higher education sector.

13. *Legislative Approval Requirements* – For the reasons set forth below, I have determined to veto certain items appearing as follows:

1. Page 8, section 21, beginning on line 30 and ending on page 9, line 1;
2. Page 10, section 24, beginning on line 15 and ending on line 22;
3. Page 40, section 25, beginning on line 20 and ending on line 21;
4. Page 43, section 26, line 5.

Each of the referenced items provides for the review and approval by the Legislature or designated legislative committees of actions and/or expenditures authorized in their respective sections. This requirement violates the fundamentals of good government by interposing legislative interference in the administrative process. The Legislature will always have the prerogative to set, by legislation, basic policy and such guidelines as may be needed

for its implementation. Having done so, however, administrative agencies must be entrusted to carry out its functions without having to seek legislative approval at every turn of the decision-making process.

With the exception of the sections and items described above, the remainder of Engrossed Substitute Senate Bill No. 3253 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 5, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to certain items ENGROSSED SUBSTITUTE SENATE BILL NO. 3277 entitled:

"An Act relating to environmental policy."

Subsection 2 of section 2 sets up time limitations for any challenge to governmental action for which notice has been given pursuant to section 2 (1) of the bill. Such governmental action would presumably include government projects constructed either by a governmental agency or by a private contractor. The intent of this subsection is distorted, however, by an item that makes it ambiguous as to whether such projects constructed by a private contractor would be covered by the same time limitation. In order to clarify the legislative intent in this section, I have determined to veto that item.

Section 6 (1) of the bill sets forth the duties and functions of the newly created Council on Environmental Policy. Subpart (i) of that section contains an item which would effectively shift the burden of paying for the cost of an environmental impact statement to the governmental entity having jurisdiction over proposed action, unless a proponent should volunteer to pay a share of the costs. This shift is unwarranted and will impose an undue burden on the governmental agency, particularly at the local level. Also overlooked is the basic premise that the cost of the environmental impact statement should be borne not by the public but by the party whose proposed action would impact the environment. Accordingly, I have vetoed the referenced item.

Section 7, which provides an elaborate legislative review procedure over guidelines, rules and regulations adopted by state agencies under the State Environmental Policy Act, violates the fundamentals of good government by interposing legislative interference in the administrative process. The legislature will always have the prerogative to set, by legislation, basic policy and such guidelines as may be needed for its implementation. Having done so, however, administrative agencies must be entrusted to carry out its functions without having to seek legislative approval at every turn of the decision-making process. For these reasons, I have determined to veto section 7.

With the foregoing exceptions, I have approved the remainder of Engrossed Substitute Senate Bill No. 3277.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 6, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to certain items SUBSTITUTE SENATE BILL NO. 3312 entitled:

“An Act relating to the criminally insane.”

The third of the proposed jury instructions in section 4 of the bill contains an item, which is an obvious drafting error overlooked in the legislative process since that item has no meaning within the proposed jury instruction. Accordingly, I have vetoed that item.

Section 7 contains amendatory language relating to the procedure on the defendant's motion for judgment of acquittal on the grounds of insanity, and requires the court, if it finds for the defendant on such motion, to enter specific findings in substantially the same form as set forth in subsections (2) through (5) of RCW 10.77.040. The omission of subsection (1) from the required findings of the court is not explained, and raises a serious constitutional question as to how the court can find that the defendant should be acquitted by reason of insanity if it does not first find that the defendant committed the crime charged. In order to remove the cloud of constitutionality, I have determined to veto the item consisting of the subsection references so that a court would still be required to enter findings in substantially the same form as set forth in RCW 10.77.040.

Section 10 of the bill contains another obvious drafting error which reverses the intent of the amendatory language. Presumably, the Legislature intended that if a defendant acquitted by reason of insanity is found, among other things, to present a substantial likelihood of committing felonious acts jeopardizing public safety or security, the court would be required to order his hospitalization or other treatment less restrictive than detention in a state mental hospital. As drafted and enacted, the result would be the exact opposite. Accordingly, I have determined to veto that item in section 10 and by this veto I am restoring the language of the existing law, and urge the Legislature to make another attempt at enacting correct amendatory language at its next session. I have been urged by some to correct this drafting error by simply vetoing the word “not” contained in that item, but have determined not to do so as such a veto would be of questionable constitutionality.

With the exception of the foregoing items, I have approved the remainder of Substitute Senate Bill No. 3312.

Respectfully submitted,
DANIEL J. EVANS
Governor.

Office of the Governor, May 5, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
(Through the Secretary of State)

LADY AND GENTLEMEN:

I am returning herewith without my approval as to one section Engrossed Senate Bill No. 3358 entitled:

“An Act relating to Northern State Hospital.”

This bill provides for the management or disposal of the real property and improvements thereon at Northern State Hospital in Sedro Woolley, Washington, jointly by the Department of Natural Resources and the Department of General Administration.

Section 5 of the bill provides for a review process whereby any proposal to dispose of the property must be submitted for approval or rejection by the Ways and Means Committee of the House and Senate when in session or by the Legislative Budget Committee when the Legislature is not in session.

It is essential in our system of government that the Legislature be fully informed of the activities of executive agencies in carrying out legislative delegations of authority. By the same token, the Executive must not be hampered in its administration of the laws by having to seek Legislative approval of policy decisions at every turn. Section 5 of the bill violates this elementary principle of good government by requiring two executive agencies well experienced in the management and disposal of state properties to surrender the culminating phase of administrative decision-making to the Legislature. Accordingly, I have determined to veto Section 5.

With the exception of that section, the remainder of Engrossed Senate Bill No. 3358 is approved.

Respectfully submitted,
DANIEL J. EVANS
Governor.

**NOTIFICATION TO SECRETARY OF STATE
OF LEGISLATURE'S OVERRIDE
OF GOVERNOR'S VETOES**

April 19, 1974.

Honorable A. Ludlow Kramer
Secretary of State
Legislative Building
Olympia, Washington, 98504

Dear Mr. Kramer:

I am transmitting herewith ENROLLED SENATE BILL NO. 3023 as vetoed by Governor Evans on February 15, 1974.

The Third Extraordinary Session of the Forty-third Legislature passed the measure notwithstanding the veto of Governor Evans. The Senate overrode the Governor's veto by a vote of 37 yeas and 9 nays on April 17, 1974 and the House overrode the Governor's veto by a vote of 79 yeas and 17 nays on April 19, 1974.

Sincerely yours,
SIDNEY R. SNYDER
Secretary of the Senate.

April 19, 1974.

Honorable A. Ludlow Kramer
Secretary of State
Legislative Building
Olympia, Washington, 98504

Dear Mr. Kramer:

I am transmitting herewith ENROLLED SENATE BILL NO. 3039 as vetoed by Governor Evans on February 16, 1974.

The Third Extraordinary Session of the Forty-third Legislature passed the measure notwithstanding the veto of Governor Evans. The Senate overrode the Governor's veto by a vote of 37 yeas and 8 nays on April 16, 1974 and the House overrode the Governor's veto by a vote of 72 yeas and 25 nays on April 19, 1974.

Sincerely yours,
SIDNEY R. SNYDER
Secretary of the Senate.

**GOVERNOR'S MESSAGES ON SENATE BILLS SIGNED
AFTER ADJOURNMENT**

1974

**FORTY-THIRD LEGISLATURE
THIRD EXTRAORDINARY SESSION**

Office of the Governor, February 14, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on February 13, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 3022: Increasing the fee for inspection and assignment of a vehicle identification number.

SENATE BILL NO. 3077: Requiring identification of horses under certain conditions.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, February 14, 1974.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADY and GENTLEMEN:

I have the honor to advise that on February 13, 1974, Governor Evans approved the following Senate Bills, entitled:

SUBSTITUTE SENATE BILL NO. 2429: Revising conditions for issuance of absentee ballots.

SENATE BILL NO. 2584: Fixing compensation of diking district commissioners for labor other than attendance at meetings.

THIRD SUBSTITUTE SENATE BILL NO. 2843: Authorizing counties, cities, and towns to participate in and implement federally-assisted grant-in-aid programs.

SENATE BILL NO. 3002: Permitting the state to make purchases from sheltered workshops.

SENATE BILL NO. 3055: Extending application period for real property current use classification for 1974.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, February 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on February 15, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2235: Requiring precinct officers to appear on absentee ballots.

SENATE BILL NO. 2408: Authorizing remedies and penalties for violation of municipal competitive bidding requirements.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, February 15, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on February 14, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2572: Clarifying the authority of sewer districts.

SENATE BILL NO. 2969: Requiring the department of ecology to approve or disapprove air pollution variances within 60 days.

SENATE BILL NO. 2989: Authorizing members of legislative bodies of cities and towns to serve as volunteer firemen and receive like compensation and benefits as others so employed.

SENATE BILL NO. 3050: Extending the time limit for local governments to develop a master plan for regulation under the shoreline management act.

SENATE BILL NO. 3059: Authorizing port police to exercise full police powers.

SENATE BILL NO. 3075: Authorizing the appointment of the secretary of the department of social and health services as a federal fiduciary with respect to estates of veterans.

SENATE BILL NO. 3080: Implementing the laws relating to livestock brands.

SENATE BILL NO. 3117: Allowing alcoholic beverage service in bowling alleys.

SENATE BILL NO. 3122: Making class A, B, C, D, or H liquor licenses at Expo '74 valid for one hundred ninety days without renewal.

SENATE BILL NO. 3144: Making provisions for compensation for fish and wildlife losses.

SENATE BILL NO. 3159: Transferring certain duties of state board of education relating to higher education to the council on higher education in the state of Washington.

SENATE BILL NO. 3168: Allowing hearing examiners to assist in certain functions of the pollution control hearings board.

SENATE BILL NO. 3229: Conforming metro enabling legislation to requirements of federal pollution control laws.

SENATE BILL NO. 3351: Changing law relating to state and local aid to disabled persons, including mentally or physically deficient persons.

SENATE BILL NO. 3366: Granting certain powers to public utility districts.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, February 19, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on February 16, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2132: Providing for a state criminal justice training commission.

SENATE BILL NO. 2540: Providing for an increase in the salaries of parttime district court judges.

SENATE BILL NO. 2634: Providing for a state building code.

SENATE BILL NO. 2675: Revising the laws regulating chiropractic.

SENATE BILL NO. 2904: Relating to savings and loan associations.

SENATE BILL NO. 3024: Authorizing arrests for violations of superior court restraining orders under certain conditions.

SENATE BILL NO. 3052: Protecting rights in sound recordings.

SENATE BILL NO. 3058: Authorizing added functions for the school directors' association and authorizing school districts to contract with the association in relation to its performance of certain functions.

SENATE BILL NO. 3078: Making changes in the laws relating to commission merchants.

SENATE BILL NO. 3106: Establishing a maximum 55 mile per hour speed limit on public highways.

SENATE BILL NO. 3116: Making changes in the laws relating to commercial herring licenses.

SENATE BILL NO. 3147: Declaring the state ferry system to be a mass transportation system.

SENATE BILL NO. 3206: Providing for a moratorium of one year from the charitable solicitation laws for nonprofessional fund raisers.

SENATE BILL NO. 3235: Including nursing home employees within the minimum wage act.

SENATE BILL NO. 3272: Providing for common school bonds.

SENATE BILL NO. 3304: Authorizing off-laboratory building at Washington State University Tree Fruit Research Center and providing for the financing thereof through issuance of bonds.

SENATE BILL NO. 3329: Providing for the certification of sites for thermal power plants.

SENATE BILL NO. 3354: Implementing laws relating to financing by the state, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations.

SENATE BILL NO. 3355: Implementing the law relating to community college bonding provisions.

SENATE BILL NO. 3362: Providing for the refunding of certain state capital committee bonds by issuance of refunding bonds.

SENATE BILL NO. 3378: Making certain appropriations and reappropriations.

SENATE BILL NO. 3379: Authorizing release of certain information to the attorney, guardian, conservator, or family of a mentally ill person.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, February 20, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on February 19, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2366: Relating to legislative redistricting.

SENATE BILL NO. 2416: Implementing the law relating to motor vehicle theft.

SENATE BILL NO. 2701: Providing for a migrant worker labor camp demonstration project.

SENATE BILL NO. 2938: Authorizing a fire protection district service charge.

SENATE BILL NO. 3003: Making general revisions to the election laws.

SENATE BILL NO. 3021: Requiring physical examination of every out-of-state vehicle before titling or licensing in this state.

SENATE BILL NO. 3064: Creating the data processing revolving fund.

SENATE BILL NO. 3118: Assessing penalties on drunk-driving cases.

SENATE BILL NO. 3135: Providing for an alternate method of valuing real property.

SENATE BILL NO. 3209: Amending the laws relating to taxation of insurance pensions.

SENATE BILL NO. 3338: Permitting the designation of exclusive bus and car pool lanes.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, April 29, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on April 29, 1974, Governor Evans approved the following Senate Bills, entitled:

SUBSTITUTE SENATE BILL NO. 2562: Making appropriations to the toll bridge authority and highway commission.

SENATE BILL NO. 3169: Defining crimes relating to telephone and telegraph services.

SUBSTITUTE SENATE BILL NO. 3200: Authorizing school district summer school programs with attendant fees for maintenance and operation costs.

SENATE BILL NO. 3257: Creating an antitrust revolving fund.

SENATE BILL NO. 3380: Relating to health care services, enabling the hospital commission to undertake a state cost containment control program in lieu of a federal control program as authorized under federal law and regulation.

SINCERELY,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, April 30, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on April 30, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 3143: Extending the authority of hospital districts.

SUBSTITUTE SENATE BILL NO. 3145: Permitting the establishment of satellite banking facilities.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, May 6, 1974.

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

LADY AND GENTLEMEN:

I have the honor to advise that on May 5, 1974, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2156: Providing that limitations on implied warranties shall be of no effect regarding consumer goods.

SENATE BILL NO. 3062: Authorizing the sale and redemption of general obligation bonds for the construction and furnishing of higher education buildings and facilities.

SECOND SUBSTITUTE SENATE BILL NO. 3283: Authorizing property tax exemption to support the elderly, poor and infirm persons.

Sincerely,
CHI-DOOH LI
Legal Counsel.

Office of the Governor, May 6, 1974.
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

LADY AND GENTLEMEN:

I have the honor to advise that on May 6, 1974, Governor Evans approved the following Senate Bills, entitled:

SUBSTITUTE SENATE BILL NO. 3194: Providing for increases in police and firemen's pensions.

SUBSTITUTE SENATE BILL NO. 3256: Reducing the appropriation for salaries and expenses of the senate.

Sincerely,
ELLIOT L. MARKS
Legislative Assistant.

1974 SENATE ROSTER

FORTY-THIRD LEGISLATURE—THIRD EXTRAORDINARY SESSION

JOHN A. CHERBERG, President

SIDNEY R. SNYDER, Secretary

AL HENRY, President Pro Tempore

JAMES E. KEEFE, Vice President Pro Tempore

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Atwood, R. Frank.....	42	Whatcom, part	220 Bellingham Nat'l Bk. Bldg., Bellingham 98225	46	Massachusetts	R	Attorney	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2d Ex.-74 Ex.
Bailey, Robert C.....	19	Grays Harbor-Pacific, part	Box 146, South Bend 98586	54	Washington	D	Typographer	S—1957-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1951-61 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.
Beck, C. W. "Red".....	26	Kitsap, part Pierce, part	2400 Beach Drive, Port Orchard 98366	60	Indiana	D	Property Manager	S—Appointed 2/11/74 H—1961-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72-73-73 Ex.-2nd Ex.-74 Ex.
Bottiger, R. Ted	2	Pierce, part- Thurston, part	8849 Pacific Ave., Tacoma 98444	40	Washington	D	Attorney	S—1973-73 Ex.-2nd Ex.-74 Ex. H—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Canfield, Damon R.....	8	Benton- Yakima, part	1368 Upland Dr., Sunnyside 98944	75	Arkansas	R	School Teacher, Retired Fruit and Cattle Rancher	S—1937-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1953-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.
Clarke, George W.....	41	King, part	3835 W. Mercer Way, Mercer Island 98040	66	Iowa	R	Attorney	S—Appointed 1/8/71 1971 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.

Senate Roster—1974, Forty-Third Legislature—Third Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Connor, Frank T.....	38	King, part	3201 S. Massachusetts, Seattle 98144	56	Washington	D	Real Estate	S—Appointed 1/24/67 1967-69 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1961-61 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57
Day, William S.....	4	Spokane, part- Whitman, part	E. 2721 Sprague Spokane 99202	50	Illinois	D	Chiropractor	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.
Donohue, Hubert F.....	9	Adams-Asotin- Garfield-Columbia, part-Grant, part- Whitman, part	Rt. 2, Box 13, Dayton 99328	51	Washington	D	Farmer	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Dore, Fred H.....	45	King, part	1424 Washington Bldg., Seattle 98101	47	Washington	D	Attorney	S—Appointed 3/11/69 1969 Ex.-61-61 Ex.-63-63 Ex.- 65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1963-63 Ex.-55-55 Ex.-57-59
Durkan, Martin J.....	47	King, part	404 Olympic Nat'l Life Bldg., Seattle 98104	49	Montana	D	Attorney	S—1969-69 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex.- 72 Ex.-73-73 Ex.-2nd Ex.- 74 Ex. H—1957
Fleming, George	37	King, part	1100 Lake Wash. Blvd., So. Seattle 98144	34	Texas	D	Pacific Northwest Bell Personnel Supervisor	S—1971-71 Ex.-72 Ex.-73- 1973 Ex.-2nd Ex.-74 Ex. H—1969-69 Ex.-70 Ex.
Francis, Peter D.....	32	King, part	7310 E. Green Lake Dr., N., Seattle 98115	38	Washington	D	Attorney	S—Appointed 12/1/69 1970 Ex.-71-71 Ex.-72 Ex.- 73-73 Ex.-2nd Ex.- 74 Ex. H—1969-69 Ex.

Senate Roster—1974, Forty-Third Legislature—Third Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Gardner, Booth	26	Resigned (12/13/73)						
Grant, Gary	11	King, part	25823 132nd SE, Kent 98031	38	Wisconsin	D	Labor Union Pres.	S—1973-73 Ex.-2nd Ex.-74 Ex. H—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Greive, R. R. Bob	34	King, part	4444 California Ave., S.W., Seattle 98116	53	Washington	D	Attorney	S—1947-49-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Guess, Sam C.	6	Spokane, part	W. 408-33rd Ave., Spokane 99203	63	Mississippi	R	Civil Engineer	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Henry, Al	17	Clark, part-Klickitat- Skamania	Rio Vista White Salmon 98672	61	Kansas	D	Telephone Executive	S—1957-59-59 Ex.-61-61 Ex.-63- 63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex.- 72 Ex.-73-73 Ex.-2nd Ex.- 74 Ex. H—1941-45-51-51 Ex.-51 2nd Ex.-55-55 Ex.
Herr, Gordon	31	King, part	10617-21st S.W., Seattle 98146	45	Washington	D	Association Exec- utive	S—Appointed 1/20/64 1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1963-63 Ex.
Jolly, Dan	16	Franklin-Walla Walla- Columbia, part	Box 185, Connell 99326	65	Washington	D	Farmer	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.
Jones, John D.	48	King, part	18 Bridlewood Circle, Kirkland 98033	49	Wales	R	Manager, Bellevue- Issaquah Pac. N.W. Bell	S—Appointed 1/8/1973 73 Ex.-2nd Ex.-74 Ex. H—1971-71 Ex.-72 Ex.

Senate Roster—1974, Forty-Third Legislature—Third Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Keefe, James Edward...	3	Spokane, part	727 E. Sinto, Spokane 99205	64	New York	D	Sales Manager	S—1949-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Knoblauch, Reuben A...	25	King, part Pierce, part	P.O. Box 306, Sumner 98390	58	Washington	D	Right-of-Way Dept., Pierce County Engineer's Dept.	S—1953-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1947-49-50 Ex.-51-51 Ex.-51 2nd Ex.
Lewis, Harry B.....	22	Thurston, part	2019 Clairemont Circle, Olympia 98502	45	Pennsylvania	R	Owner-Mgr., Wood Fabricators, Inc.	S—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1961-61 Ex.-63-63 Ex.
Lewis, R. H. "Bob"	5	Spokane, part	W. 4329 Arrowhead Rd., Spokane 99208	47	Washington	R	Vice Pres., Pub. Relations, Lincoln First Fed. Savings & Loan Assn.	S—1973-73 Ex.-2nd Ex.-74 Ex.
Mardesich, August P....	38	Snohomish, part	4712 Mermont Dr., Everett 98203	52	California	D	Attorney, Commer- cial Fisherman	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1950 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.
Marsh, Daniel G.....	49	Clark, part	P.O. Box 1086, Vancouver 98660	35	Oregon	D	Attorney	S—1973-73 Ex.-2nd Ex.-74 Ex. H—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Matson, Jim	14	Yakima, part	Rt. 2, Box 2311 Selah 98942	45	Washington	R	Fruit Grower, Shipper	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.

Senate Roster—1974, Forty-Third Legislature—Third Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Metcalf, Jack	21	Snohomish, part	7421-46th W., Box 4 Mukilteo 98275	45	Washington	R	Teacher	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1961-61 Ex.-63-63 Ex.
Murray, John S.....	36	King, part	8 W. Roy St., Seattle 98119	47	Missouri	R	Publisher	S—1971-71 Ex.-72 Ex.- 73-73 Ex.-2nd Ex.-74 Ex. H—1967-67 Ex.-69-69 Ex.- 70 Ex.
Newschwander, Charles E.	28	Pierce, part	2140 Bridgeport Way, Tacoma 98466	52	Washington	R	Dentist	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1961-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.
Odegaard, Gary M.....	20	Lewis-Wahkiakum- Cowlitz, part-Pacific, part-Thurston, part	Star Rt. 1, Box 1-A, Onalaska 98570	32	Washington	D	Teacher	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Peterson, Lowell	40	San Juan-Skagit- Whatcom, part	Box 249, Concrete 98237	51	Washington	D	Oil Distributor	S—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Peterson, Ted G.....	44	King, part	2345 N.W. Blue Ridge Dr., Seattle 98177	68	Washington	R	President, Peterson Supply & Equip- ment Co.	S—1955-55 Ex.-57-53-63 Ex.-65- 65 Ex.-67-67 Ex.-69-69 Ex.- 70 Ex.-71-71 Ex.-72 Ex.- 73-73 Ex.-2nd Ex.-74 Ex.
Rasmussen, A. L.....	29	Pierce, part	5415 A St., Tacoma 98408	63	Washington	D	Machinist	S—1961-61 Ex.-63-63 Ex.- 65-65 Ex.-67-67 Ex. Appointed 10/1/71 1972 Ex.-73-73 Ex.-2nd Ex.- 74 Ex. H—1945-47-49-50 Ex.-51-51 Ex.- 51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.
Ridder, Ruthe B.....	35	King, part	5809 S. Roxbury St., Seattle 98118	45	Washington	D	Housewife, Pro- fessional Volunteer	S—1974 Ex.

Senate Roster—1974, Forty-Third Legislature—Third Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Sandison, Gordon	24	Clallam-Jefferson-Mason-Thurston, part	P.O. Box 2025, Port Angeles 98362	52	Washington	D	Insurance Broker	S—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1949-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-67
Scott, George W.	46	King, part	2530 N.E. 105th Pl., Seattle 98125	35	Washington	R	Assistant to Dean for Development (U. of W. Med. School)	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1969-69 Ex.-70 Ex.
Sellar, George L.	12	Chelan-Douglas-Grant, part-Okanogan, part	1324 Terrace Dr., East Wenatchee 98801	43	Illinois	R	Personnel Manager, Eye and Ear Clinic	S—Appointed 1/7/72 1972 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Stortini, Joe	27	Pierce, part	1623 Firlands Dr., Tacoma 98405	40	Washington	D	Teacher	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Talley, Don L.	18	Clark, part-Cowlitz, part	1583 Mt. Pleasant Rd., Kelso 98626	54	Washington	D	Supervisor, Port of Longview	S—1957-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Twigg, Robert W.	7	Ferry-Lincoln-Pend Oreille-Stevens-Okanogan, part-Spokane, part	817 Northtown Bldg., Spokane 99207	47	Washington	R	Attorney, Real Estate Broker	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Van Hollebeke, Ray	1	King, part-Snohomish, part	13735-53rd Ave., N.E., Seattle 98155	43	Illinois	D	Real Estate Consultant	S—1973-73 Ex.-2nd Ex.-74 Ex.
von Reichbauer, Peter.	30	King, part	Rt. 2, Box 206, Burton 98013	30	Washington	D	Journalist	S—1974 Ex.
Walgren, Gordon L.	23	Kitsap, part	245 Fourth St. Bldg., Bremerton 98310	39	Washington	D	Attorney	S—1969-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1967-67 Ex.

Senate Roster—1974, Forty-Third Legislature—Third Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Wanamaker, F. "Pat".....	10	Island-Snohomish, part	Rt. 1, Box 193A, Coupeville 98239	62	Washington	R	Retired	S—1973-73 Ex.-2nd Ex.-74 Ex. H—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.
Washington, Nat W.....	13	Kittitas-Grant, part-Yakima, part	42 C St. N.W., Ephrata 98823	58	Washington	D	Attorney	S—1951-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1949-50 Ex.
Whetzel, Jonathan	43	King, part	1511 E. Olin Place, Seattle 98112	46	Pennsylvania	R	Vice Pres., KING Broadcasting Co.	S—1971-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.
Woodall, Perry B.....	15	Yakima, part	P.O. Box 507, Toppenish 98948	60	Washington	R	Attorney	S—Appointed 12/26/56 1957-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—1939-41-43-47-49-50 Ex.-51-51 Ex.-51 2nd Ex.
Woody, Frank.....	39	King, part-Snohomish, part	24228-47th, Woodinville 98043	35	Montana	D	Attorney	S—1973-73 Ex.-2nd Ex.-74 Ex.
Lieutenant Governor Cherberg, John A.....		President of the Senate	Legislative Bldg., Olympia 98504	62	Florida	D	Lieutenant Governor	S—Elected 1957 1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex.
Snyder, Sidney R.....		Secretary of the Senate	P.O. Box 531, Long Beach 98631	46	Washington	D	Owner, Operator Supermarket	S—Elected 5/12/69 1970 Ex.-71-71 Ex.-72 Ex.-73-73 Ex.-2nd Ex.-74 Ex. H—Served as Asst. Chief Clerk or Acting Chief Clerk 1957 to May, 1969

Senate Roster—1974, Forty-Third Legislature—Third Extraordinary Session—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Political Party	Occupation	Legislative Sessions Served
Johnson, Charles L. R.	Sergeant at Arms		624 Carlyon, Olympia 98501	61	Washington	D	Merchant	S—Elected 1957-59-61-63-65-67- 69-70-71-72-73-74 Ex. H—House Member 1951 Served as Sergeant at Arms 1956

**STANDING COMMITTEES OF THE SENATE
FORTY-THIRD LEGISLATURE
THIRD EXTRAORDINARY SESSION**

1974

JOHN A. CHERBERG, President
AL HENRY, President Pro Tempore
JAMES E. KEEFE, Vice President Pro Tempore
SIDNEY R. SNYDER, Secretary of the Senate

AGRICULTURE (7)—JOLLY, CHAIRMAN; Day, Donohue, Matson, Sellar, Twigg, Washington.

COMMERCE (8)—GREIVE, CHAIRMAN; Francis, Grant, Herr, Lewis (R. H. "Bob"), Peterson (Lowell), Wanamaker, Whetzel.

CONSTITUTION AND ELECTIONS (6)—GRANT, CHAIRMAN; Canfield, Metcalf, Stortini, von Reichbauer, Washington.

ECOLOGY (7)—WASHINGTON, CHAIRMAN; Donohue, Guess, Murray, Stortini, Van Hollebeke, Whetzel.

EDUCATION (7)—von REICHBAUER, CHAIRMAN; Bottiger, Fleming, Murray, Newschwander, Odegaard, Peterson (Ted).

FINANCIAL INSTITUTIONS (8)—DORE, CHAIRMAN; Clarke, Jones, Keefe, Mardesich, Newschwander, Walgren, Woody.

HIGHER EDUCATION (7)—SANDISON, CHAIRMAN; Donohue, Durkan, Guess, Marsh, Metcalf, Scott.

JUDICIARY (12)—FRANCIS, CHAIRMAN; WOODY, VICE CHAIRMAN; Atwood, Bottiger, Clarke, Dore, Durkan, Greive, Marsh, Twigg, Van Hollebeke, Woodall.

LABOR (8)—CONNOR, CHAIRMAN; Fleming, Grant, Jones, Matson, Ridder, Sellar, Woody.

LOCAL GOVERNMENT (11)—FLEMING, CHAIRMAN; Beck (appointed 2-11-74), Connor, Jolly, Lewis (R. H. "Bob"), Murray, Ridder, Sellar, Talley, Walgren, Whetzel.

NATURAL RESOURCES (7)—PETERSON (LOWELL), CHAIRMAN; Lewis (Harry), Metcalf, Peterson (Ted), Rasmussen, Sandison, Talley.

PARKS AND RECREATION (7)—KNOBLAUCH, CHAIRMAN; Bailey, Beck (appointed 2-11-74), Canfield, Jones, Odegaard, Wanamaker.

RULES (13)—LIEUTENANT GOVERNOR JOHN A. CHERBERG, CHAIRMAN; Atwood, Bailey, Bottiger, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Peterson (Ted), Talley, Woodall.

SOCIAL AND HEALTH SERVICES (13)—DAY, CHAIRMAN; VAN HOLLEBEKE, VICE CHAIRMAN; Clerke, Connor, Francis, Greive, Herr, Jones, Murray, Ridder, Twigg, von Reichbauer, Woodall.

STATE GOVERNMENT (7)—RASMUSSEN, CHAIRMAN; Day, Henry, Knoblauch, Lewis (Harry), Scott, Wanamaker.

TRANSPORTATION AND UTILITIES (17)—WALGREN, CHAIRMAN; HENRY, VICE CHAIRMAN; STORTINI, VICE CHAIRMAN; Beck (appointed 2-11-74), Bottiger, Guess, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Matson, Peterson (Lowell), Sellar, Talley, Wanamaker, Washington, Whetzel.

WAYS AND MEANS (19)—DURKAN, CHAIRMAN; DONOHUE, VICE CHAIRMAN; ODEGAARD, VICE CHAIRMAN; Atwood, Bailey, Canfield, Dore, Fleming, Grant, Lewis (Harry), Mardesich, Marsh, Metcalf, Newschwander, Peterson (Ted), Rasmussen, Sandison, Scott, Woody.

**INDIVIDUAL COMMITTEE ASSIGNMENTS OF THE SENATE
FORTY-THIRD LEGISLATURE
THIRD EXTRAORDINARY SESSION**

1974

- ATWOOD (R. Frank)**—Judiciary; Rules; Ways and Means.
- BAILEY (Robert C.)**—Parks and Recreation; Rules; Ways and Means.
- BECK (C. W. "Red")** (appointed 2-11-74)—Local Government; Parks and Recreation; Transportation and Utilities.
- BOTTIGER (R. Ted)**—Education; Judiciary; Rules; Transportation and Utilities.
- CANFIELD (Damon R.)**—Constitution and Elections; Parks and Recreation; Ways and Means.
- CLARKE (George W.)**—Financial Institutions; Judiciary; Social and Health Services.
- CONNOR (Frank T.)**—**Chairman:** Labor; Local Government; Social and Health Services.
- DAY (William S.)**—**Chairman:** Social and Health Services; Agriculture; State Government.
- DONOHUE (Hubert F.)**—**Vice Chairman:** Ways and Means; Agriculture; Ecology; Higher Education.
- DORE (Fred H.)**—**Chairman:** Financial Institutions; Judiciary; Ways and Means.
- DURKAN (Martin J.)**—**Chairman:** Ways and Means; Higher Education; Judiciary.
- FLEMING (George)**—**Chairman:** Local Government; Education; Labor; Ways and Means.
- FRANCIS (Pete)**—**Chairman:** Judiciary; Commerce; Social and Health Services.
- GRANT (Gary)**—**Chairman:** Constitution and Election; Commerce; Labor; Ways and Means.
- GREIVE (R. R. Bob)**—**Chairman:** Commerce; Judiciary; Social and Health Services.
- GUESS (Sam C.)**— Ecology; Higher Education; Rules; Transportation and Utilities.
- HENRY (Al)**—**Vice Chairman:** Transportation and Utilities; Rules; State Government.
- HERR (Gordon)**— Commerce; Rules; State Government.
- JOLLY (Dan)**—**Chairman:** Agriculture; Local Government; Transportation and Utilities.
- JONES (John D.)**— Financial Institutions; Labor; Parks and Recreation; Social and Health Services.
- KEEFE (James E.)**— Financial Institutions; Rules; Transportation and Utilities.
- KNOBLAUCH (Reuben A.)**—**Chairman:** Parks and Recreation; State Government; Transportation and Utilities.
- LEWIS (Harry B.)**— Natural Resources; Rules; State Government; Ways and Means.
- LEWIS (R. H. "Bob")**— Commerce; Local Government; Transportation and Utilities.
- MARDESICH (August P.)**— Financial Institutions; Rules; Ways and Means.
- MARSH (Dan)**— Higher Education; Judiciary; Rules; Ways and Means.
- MATSON (Jim)**— Agriculture; Labor; Transportation and Utilities.
- METCALF (Jack)**— Constitution and Elections; Higher Education; Natural Resources; Ways and Means.
- MURRAY (John S.)**— Ecology; Education; Local Government; Social and Health Services.
- NEWSCHWANDER (Charles E.)**— Education; Financial Institutions; Ways and Means.
- ODEGAARD (Gary M.)**—**Vice Chairman:** Ways and Means; Education; Parks and Recreation.
- PETERSON (Lowell)**—**Chairman:** Natural Resources; Commerce; Transportation and Utilities.
- PETERSON (Ted G.)**— Education; Natural Resources; Rules; Ways and Means.

- RASMUSSEN (A. L.)**—**Chairman:** State Government; Natural Resources; Ways and Means.
- RIDDER (Ruthe)**— Labor; Local Government; Social and Health Services.
- SANDISON (Gordon)**—**Chairman:** Higher Education; Natural Resources; Ways and Means.
- SCOTT (George W.)**— Higher Education; State Government; Ways and Means.
- SELLAR (George L.)**— Agriculture; Labor; Local Government; Transportation and Utilities.
- STORTINI (Joe)**—**Vice Chairman:** Transportation and Utilities; Constitution and Elections; Ecology.
- TALLEY (Don L.)**— Local Government; Natural Resources; Rules; Transportation and Utilities.
- TWIGG (Robert W.)**— Agriculture; Judiciary; Social and Health Services.
- VAN HOLLEBEKE (Ray)**—**Vice Chairman:** Social and Health Services; Ecology; Judiciary.
- von REICHBAUER (Peter)**—**Chairman:** Education; Constitution and Elections; Social and Health Services.
- WALGREN (Gordon L.)**—**Chairman:** Transportation and Utilities; Financial Institutions; Local Government.
- WANAMAKER (F. Pat)**— Commerce; Parks and Recreation; State Government; Transportation and Utilities.
- WASHINGTON (Nat W.)**—**Chairman:** Ecology; Agriculture; Constitution and Elections; Transportation and Utilities.
- WHETZEL (Jonathan)**— Commerce; Ecology; Local Government; Transportation and Utilities.
- WOODALL (Perry B.)**— Judiciary; Rules; Social and Health Services.
- WOODY (Frank)**—**Vice Chairman:** Judiciary; Financial Institutions; Labor; Ways and Means.

**STATUTORY COMMITTEE APPOINTMENTS
1973-1975**

**AMERICAN REVOLUTION BICENTENNIAL COMMITTEE
(RCW 43.125.010)**

SENATORS

*Harry B. Lewis
Nat W. Washington
C. W. "Red" Beck, Ex Officio
*Replaces George W. Scott

REPRESENTATIVES

Phyllis K. Erickson
Hal Zimmerman

OTHER APPOINTEES

Bruce LeRoy, Chairman

Dr. Bernard E. Bobb
Dr. John Brougher
Ruby Chow
Dr. James Furman
John F. Gordon
Frank Hayes
Al Hunter
Judge Bert C. Kale
A. Ludlow Kramer
Walter E. Lawrie

Dr. Charles H. Odegaard
Dorothy Prior
Rev. Andrew M. Prouty
Maryan Reynolds
Glynn Ross
William H. Trogdon
Joan E. Van Divort
George Whitney
Frank Wright

**ARTS COMMISSION, WASHINGTON STATE
(RCW 43.46.020)**

SENATOR

Fred H. Dore

REPRESENTATIVE

William Polk

OTHER APPOINTÉES

James Haseltine, Executive Director

Robert Buchanan
Kenneth Callahan
Howard O. Deming
Paul Friedlander
Thomas Givan
Mrs. Robert Golberg
Mrs. Paul G. Harper
Sherman Huffine
Barbara Ireland
Alan Liddle

Delbert McBride
Jack I. Mayer
Mrs. Bootsy Semon
Mrs. Jean Sprague
Mrs. Bruce (Mary) Stevenson
Dr. Alfred J. Stojowski
John Tenold
Donald G. Williams
Mrs. Thomas O. Williams

**BUDGET COMMITTEE, LEGISLATIVE
(RCW 44.28.010)**

SENATORS

R. Frank Atwood, Vice Chairman
Damon R. Canfield
Hubert F. Donohue
Booth Gardner (Resigned 12-13-73)
Daniel G. Marsh
Charles E. Newschwander
Gary M. Odegaard
George W. Scott

REPRESENTATIVES

A. N. (Bud) Shinpoch, Chairman
William "Bill" Chatalas, Secretary
Robert (Bob) Curtis, Assistant Secretary
Jerry C. Kopet, Executive Committee
John Bagnariol
Sid W. Morrison
William Polk
Alan Thompson

**COLUMBIA INTERSTATE COMPACT COMMISSION
(RCW 43.57.010)**

SENATORS

Al Henry
Jim Matson

REPRESENTATIVES

Eugene L. Laughlin
Irving Newhouse

OTHER APPOINTEES

H. Maurice Ahlquist

**CRIME (ORGANIZED) INTELLIGENCE ADVISORY BOARD
(RCW 43.43)**

SENATORS

R. Frank Atwood
Martin Durkan
Pete Francis
Harry B. Lewis

REPRESENTATIVES

Wayne Ehlers
Ken Eikenberry
Jeannette Hayner
Helen Sommers

**EDUCATION COMMISSION OF THE STATES
(RCW 28A.92.020)**

SENATOR

Gordon Sandison

REPRESENTATIVE

Edward G. Ellis

OTHER APPOINTEES

Dr. Frank Brouillet
Mrs. Jerome Freiberg
Dr. James Furman

John Mundt
Philip B. Swain

**ETHICS COMMITTEE, LEGISLATIVE
(RCW 44.60.020)**

SENATORS

Robert C. Bailey, Senate Chairman
Fred H. Dore
Charles E. Newschwander
Robert W. Twigg

REPRESENTATIVES

Robert A. Perry, House Chairman
H. A. "Barney" Goltz
John L. Hendricks
William "Bill" Paris

OTHER APPOINTEES**SENATE LAY MEMBERS**

Bruce Helberg, Chairman
Herbert Hamblen
Rev. Charles Howard Perry
John A. Petrich

HOUSE LAY MEMBERS

Robert M. Schaefer, Vice Chairman
Gary Bloomquist, Secretary
Donald H. Bond
Dr. Hugh Bone

**EXPO '74 COMMISSION
(RCW 43.96B)**

SENATORS

William S. Day
James E. Keefe
Robert W. Twigg

REPRESENTATIVES

Edward T. Luders
William J. S. "Bill" May
A. J. "Bud" Pardini

OTHER APPOINTEES

Rod Lindsay, Chairman of the Board
Luke Williams, Chairman of Washington State Commission

Clair Jones
J. H. Leuthold

James P. McGoldrick
Donn Spencer

FACILITIES AND OPERATIONS COMMITTEE**SENATORS**

Gordon Sandison, Chairman
Senate Committee
R. Frank Atwood
Robert C. Bailey
Harry B. Lewis
August P. Mardesich

REPRESENTATIVES

John L. O'Brien, Chairman
House Committee
Elmer Jastad
William M. Polk
John B. Rabel

**FOREST TAX COMMITTEE
(RCW 84.33.180)**

SENATORS

Martin J. Durkan, Co-Chairman
Harry B. Lewis, Co-Chairman
Hubert F. Donohue
Jim Matson

REPRESENTATIVES

Max E. Benitz
H. A. "Barney" Goltz
Alex C. Julin
Alan Thompson

OTHER APPOINTEES

Dr. Frank Brouillet
Bert Cole
George Kinnear
Norman R. McDonnell

Peter E. Overton
Sidney Parker
Fran Rutherford

GAMBLING COMMISSION, WASHINGTON STATE
(HB 711, CH. 218, Laws 1973 1st ex. sess.)

SENATORS

James E. Keefe
Perry B. Woodall

REPRESENTATIVES

Paul H. Conner
James A. Kuehnle

OTHER APPOINTEES

William E. "Al" Bjork, Director

Camden Hall, Chairman
Albert Pasquan, Vice Chairman
Michael E. Donohue

Oliver G. Furseth
Andrew E. Zuarri

HIGHER EDUCATION, COUNCIL ON
(RCW 28B.80.040)

SENATORS

Gordon Sandison
George W. Scott

REPRESENTATIVES

Peggy Joan Maxie
E. G. "Pat" Patterson

OTHER APPOINTEES

Richard Albrecht
J. Scott Barron
Dr. James E. Brooks
Dr. Phillip Cartwright
Goodwin Chase
Dr. Charles J. Flora
Mrs. David Gaiser
Dr. Merle Landerholm
Carlton Lewis
Dr. Charles J. McCann

Dr. David McKenna
John Mundt
Wallace G. Miller
Mrs. Ruth Shepherd
Dr. Emerson C. Shuck
Dr. Glenn Terrell
Very Rev. Richard E. Twohy
Richard P. Wallenberg
Walter B. Williams
Marion E. Wilson

INSURANCE BOARD, STATE EMPLOYEES'
(RCW 41.05.020)

SENATOR

George Fleming

REPRESENTATIVE

Marcus Gaspar

OTHER APPOINTEES

Dr. Frank Brouillet
Bert Cole
George Kinnear
Norman R. McDonnell

Peter E. Overton
Sidney Parker
Fran Rutherford

GAMBLING COMMISSION, WASHINGTON STATE
(HB 711, CH. 218, Laws 1973 1st ex. sess.)

SENATORS

James E. Keefe
Perry B. Woodall

REPRESENTATIVES

Paul H. Conner
James A. Kuehnle

OTHER APPOINTEES

William E. "Al" Bjork, Director

Camden Hall, Chairman
Albert Pasquan, Vice Chairman
Michael E. Donohue

Oliver G. Furseth
Andrew E. Zuarri

HIGHER EDUCATION, COUNCIL ON
(RCW 28B.80.040)

SENATORS

Gordon Sandison
George W. Scott

REPRESENTATIVES

Peggy Joan Maxie
E. G. "Pat" Patterson

OTHER APPOINTEES

Richard Albrecht
J. Scott Barron
Dr. James E. Brooks
Dr. Phillip Cartwright
Goodwin Chase
Dr. Charles J. Flora
Mrs. David Gaiser
Dr. Merle Landerholm
Carlton Lewis
Dr. Charles J. McCann

Dr. David McKenna
John Mundt
Wallace G. Miller
Mrs. Ruth Shepherd
Dr. Emerson C. Shuck
Dr. Glenn Terrell
Very Rev. Richard E. Twohy
Richard P. Wallenberg
Walter B. Williams
Marion E. Wilson

INSURANCE BOARD, STATE EMPLOYEES'
(RCW 41.05.020)

SENATOR

George Fleming

REPRESENTATIVE

Marcus Gaspard

OTHER APPOINTEES

Leonard Nord, Chairman

Dean Clabaugh
Robert Hester
Ernest W. LahnJack Meersman
Norm Schut
Ralph Seeman**JUDICIAL COUNCIL
(RCW 2.52.010)****SENATORS**George W. Clarke
Pete Francis
Frank J. Woody**REPRESENTATIVES**Jeannette Hayner
Walt Knowles
Lorraine Wojahn**OTHER APPOINTEES**

Justice Frank Hale, Chairman

Storrs B. Clough
Slade Gorton
Dale M. Green
Ronald L. Hendry
Lewis H. Orland
Don Perry
Daniel Reaugh
Richard S. L. Roddis
Willard J. RoeLuvern V. Rieke, Executive Secretary
Gerald Shucklin
Joseph A. Sinclitico, Jr.
Hardyn B. Soule
Charles F. Stafford
Herbert A. Swanson
Lyle H. Truax
Gary N. Utigard**NUCLEAR ENERGY, JOINT COMMITTEE ON
(RCW 44.39.010)****SENATORS**Damon R. Canfield
Dan Jolly
Jim Matson
Ray Van Hollebeke**REPRESENTATIVES**Charles R. Savage, Chairman
Max E. Benitz
Charles D. Kilbury
Simeon R. "Sim" Wilson

Stewart Bledsoe, Executive Committee

**OCEANOGRAPHIC COMMISSION OF WASHINGTON
(RCW 43.94.020)****SENATORS**John S. Murray, Vice Chairman
A. L. Rasmussen
Don L. Talley**REPRESENTATIVES**Eleanor Fortson
Donald G. Hansey
Rick Smith**OTHER APPOINTEES**

Dr. Stanley R. Murphy, Chairman

George Johansen, Secretary
Frank W. FoleyGarrett Horder
Jon Lindberg

**PUBLIC EMPLOYEES' COLLECTIVE BARGAINING, INTERIM COMMITTEE ON
(RCW 41.56.405)**

SENATORS

George W. Clarke
Gary Grant
Joe Stortini

REPRESENTATIVES

Richard King, Chairman
Helmut L. Juelsing

OTHER APPOINTEES

Robert C. Anderson
Herbert Gelman
Ralph Henning
Sam Kinville

Larry McKibben
Chet Ramage
John W. Smith, Jr.

**PUBLIC PENSION COMMISSION, STATE
(RCW 41.52.010)**

SENATORS

John D. Jones, Vice Chairman
Robert C. "Bob" Ridder, Secretary
(Resigned 7-29-73)
George Fleming
R. H. (Bob) Lewis
Joe Stortini

REPRESENTATIVES

James P. Kuehnle, Chairman
Del Bausch
Kemper Freeman, Jr.
Doris J. Johnson
Frances North

OTHER APPOINTEES

Anson Blaker
Burle Bramhall
Percy Lockitch

Eldon Marshall
Richard Wyman

**STATUTE LAW COMMITTEE
(RCW 1.08.001)**

SENATORS

George W. Clarke
Pete Francis

REPRESENTATIVES

Axel C. Julin
Walt A. Knowles
Rick Smith

OTHER APPOINTEES

Robert L. Charette, Chairman

Justice Robert F. Brachtenbach
Bernard Gallagher
Raymond W. Haman

Charles P. Moriarty
Charles Olson

**TRANSPORTATION COMMITTEE, LEGISLATIVE
(RCW 44.40.010)****SENATORS**

Gordon Walgren, Vice Chairman
Martin J. Durkan
Sam C. Guess
Al Henry
Dan Jolly
Reuben A. Knoblauch
Jim Matson
Lowell Peterson
George L. Sellar
F. "Pat" Wanamaker
Nat W. Washington

REPRESENTATIVES

Robert A. Perry, Chairman
Duane Berentson, Secretary
Donn Charnley
Paul H. Connor
P. J. "Jim" Gallagher
Donald G. Garrett
James E. Gilleland
Hugh Kalich
Paul Kraabel
King Lysen
Geraldine McCormick
E. G. "Pat" Patterson
William "Bill" Schumaker

SENATE BILLS PASSED BY SENATE AND HOUSE SHOWING ACTION BY THE GOVERNOR THEREON

1974

FORTY-THIRD LEGISLATURE THIRD EXTRAORDINARY SESSION

Senate Bill No.	Subject	Chapter Number	Date Signed	Effective Date
2nd				
Re 2004	Lottery, state, establishment			VETOED
2046	Host-guest statute, repealed	3	2/11/74	7/24/74
2095	Port districts, treasurer selection.....	13	2/11/74	7/24/74
Sub. 2120	Technological education	4	2/11/74	7/24/74
Sub. 2132	Criminal justice training commission.....	94	2/16/74	7/24/74
2156	Implied warranty disclaimer	180	5/5/74	7/24/74
2235	Precinct committeemen, absentee voting.....	73	2/15/74	7/24/74
2329	Legal services revolving fund.....	146	2/14/74	7/1/74**
2366	Legislative districts, certified boundaries changed	123	2/19/74	7/24/74
2408	Municipal competitive bidding	74	2/15/74	7/24/74
2416	Motor vehicles, bikes, boats, stolen.....	124	2/19/74	7/24/74
Sub. 2429	Absentee ballots, application	35	2/13/74	7/24/74
2488	Implied consent, guilty plea.....			VETOED
2540	District court judges, part-time, salaries.....	95	2/16/74	7/24/74
2551	Motor vehicle funds, highway purposes.....	9	2/11/74	7/24/74
Sub. 2562	Port Townsend-Keystone; Olympic Ferries, Inc.	159	4/29/74	4/29/74
2572	Sewer districts, systems defined	58	2/14/74	7/24/74
2574	EWSC, social work master's program.....	14	2/11/74	7/24/74
2584	Diking district commissioner, compensation...	39	2/13/74	7/24/74
2nd				
Sub. 2634	Building code act	96	2/16/74	7/24/74
Sub. 2675	Chiropractors, insurance, discrimination	97	2/16/74	7/24/74
Sub. 2701	Migrant labor camp demonstration project....	125	2/19/74	2/19/74
3rd				
Sub. 2843	Cities, federal grant-in-aid, participation....	37	2/13/74	2/13/74
2904	Savings and loan association.....	98	2/16/74	7/24/74
Sub. 2906	Noise abatement, control, ecology department	183	5/6/74	5/6/74**
2937	Cities, legal aid appropriations.....	5	2/11/74	2/11/74
Sub. 2938	Fire protection districts service charge.....	126	2/19/74	7/24/74
3rd				
Sub. 2940	Salmon commercial licenses, vessel permits..	184	5/6/74	5/6/74**
2961	Legal interns, prosecuting attorneys, employment	6	2/11/74	2/11/74
2962	Legal interns, city attorneys, employment....	7	2/11/74	2/11/74
2969	Air pollution variances, ecology department..	59	2/14/74	2/14/74
2889	Volunteer firemen, local officials.....	60	2/14/74	2/14/74
3002	Sheltered workshop products, state purchase	40	2/13/74	7/24/74
3003	Election laws, revisions	127	2/19/74	2/19/74
3021	Out-of-state vehicles, licensing examination..	128	2/19/74	7/1/74
3022	Vehicle identification number, inspection fees	36	2/13/74	7/1/74
3023	Private water projects, environmental impact (OVERRIDDEN)	150	.....	7/24/74
3024	Superior court restraining orders.....	99	2/16/74	7/24/74
3029	Marriage dissolution act, savings clause.....	15	2/11/74	2/11/74
Sub. 3032	School districts, gifts, acceptance authority..	8	2/11/74	7/24/74
3037	Ferries, 'no smoking' areas.....	10	2/11/74	7/24/74
3039	State parks, radio, television, station leases.. (OVERRIDDEN)	151	.....	7/24/74

**Partial veto

SENATE BILLS PASSED BY SENATE AND HOUSE—Continued

Senate Bill No.	Subject	Chapter Number	Date Signed	Effective Date
3040	Health care facilities authority created.....	147	2/14/74	7/24/74**
3041	Cities, over 300,000, ballots, charters.....	1	1/18/74	1/18/74
Sub. 3049	Public employee deferred compensation plans	11	2/11/74	2/11/74
3050	Local government, shoreline management plan time limit	61	2/14/74	2/14/74
3052	Sound recordings rights	100	2/16/74	7/24/74
3055	Real property current use, application period..	41	2/13/74	2/13/74
3058	School directors' association	101	2/16/74	7/24/74**
3059	Port police, airports, full powers.....	62	2/14/74	7/24/74
3062	Higher education, buildings, facilities, bonds	181	5/5/74	5/5/74
3064	Data processing revolving fund created.....	129	2/19/74	2/19/74
3075	Veterans' estates, DSHS secretary, fiduciary...	63	2/14/74	7/24/74
3077	Horses, identification	38	2/13/74	7/24/74
3078	Commission merchants, general revisions....	102	2/16/74	7/24/74
3080	Livestock brands	64	2/14/74	2/14/74
3100	State patrol funds transfer, salaries.....	2	1/31/74	1/31/74
Sub. 3106	Speed limit 55 miles per hour.....	103	2/16/74	2/16/74
3116	Commercial herring, fishing license, veterans..	104	2/16/74	2/16/74
Sub. 3117	Bowling alleys, alcoholic beverages	65	2/14/74	7/24/74
Sub. 3118	Drunk driving, penalty assessment.....	130	2/19/74	2/19/74
3122	Expo '74, liquor licenses	66	2/14/74	2/14/74
3130	Clearcreek interchange, appropriation		VETOED	
3135	Real property valuation, owners.....	131	2/19/74	7/24/74
3143	Hospital districts, services expansion.....	165	4/30/74	4/30/74
3144	Fish, wildlife losses, compensation.....	67	2/14/74	7/24/74
Sub. 3145	Banks, satellite facilities	166	4/30/74	4/30/74
Sub. 3146	Art, public buildings	176	5/5/74	7/24/74**
3147	Ferries, mass transportation	105	2/16/74	2/16/74
3159	Blind students, council on higher education duties	68	2/14/74	7/24/74
3168	Pollution hearing examiners	69	2/14/74	7/24/74
3169	Telephone service, defrauding, crime.....	160	4/29/74	7/24/74
3184	City fire, police pension system transfers....	148	2/14/74	7/24/74**
Sub. 3194	Firemen, police pension, living cost increase..	190	5/6/74	5/6/74
3200	School districts summer programs, tuition....	161	4/29/74	4/29/74
3202	College work-study program	177	5/5/74	7/24/74**
3206	Non-professional fund raisers, moratorium....	106	2/16/74	7/24/74
3209	Insurance pensions, tax	132	2/19/74	7/24/74
3229	Metro legislation, federal conformity.....	70	2/14/74	2/14/74
3235	Nursing home employees, minimum wage....	107	2/16/74	7/24/74
Sub. 3253	Supplemental budget	197	5/6/74	5/6/74**
Sub. 3256	Legislature, ethics committees, appropriation	189	5/6/74	5/6/74
3257	Antitrust revolving fund created.....	162	4/29/74	4/29/74
3272	Schools, general obligation bonds.....	108	2/16/74	2/16/74
Sub. 3277	Environmental policy, state agencies.....	179	5/5/74	5/5/74**
2nd				
Sub. 3283	Elderly, poor, infirm, property tax exemptions	182	5/5/74	5/5/74
3304	WSU tree fruit research building, appropriation	109	2/16/74	2/16/74
Sub. 3312	Criminally insane	198	5/3/74	5/5/74**
Sub. 3329	Thermal power plant sites certification.....	110	2/16/74	2/16/74
3338	Bus, car pool lanes.....	133	2/19/74	7/24/74
3351	Mentally, physically disabled, state aid.....	71	2/14/74	7/24/74
3354	Bonds, refunding	111	2/16/74	2/16/74
Sub. 3355	Community college refund bonds.....	112	2/16/74	2/16/74
3358	Northern state hospital, disposition.....	178	5/5/74	5/5/74**
3362	State capitol committee bonds, refunding.....	113	2/16/74	2/16/74
3366	PUD's, construction, preliminary payments....	72	2/14/74	7/24/74

**Partial veto

SENATE BILLS PASSED BY SENATE AND HOUSE—Continued

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
Sub. 3378	Appropriations, capital construction.....	114	2/16/74	2/16/74
3379	Mentally ill, information release.....	115	2/16/74	2/16/74
3380	Health cost containment control program.....	163	4/29/74	4/29/74

**Partial veto

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY THE SENATE AND HOUSE**

1974

FORTY-THIRD LEGISLATURE
THIRD EXTRAORDINARY SESSION

SENATE JOINT MEMORIALS

<i>Number</i>	<i>Subject</i>
106	Snake river, second bridge, funding
131	Point Roberts decision delay requested
134	Offshore fishing, 200 mile boundary

SENATE JOINT RESOLUTIONS

140	Governor's veto, entire sections
143	Voter qualifications, eighteen year olds, Indians

SENATE CONCURRENT RESOLUTIONS

141	Bills reintroduced
143	Bills cut-off, consideration, dates
144	Point Roberts, committee, study
Sub 149	Bicentennial continental congress
150	Public disclosure, form F-1, filing
151	Public retirement programs study
152	SB 3379, consideration permitted
153	Legislature, third extraordinary session, reconvening
155	Special session, third extraordinary session, extended one day
156	Adjournment, sine die, third extraordinary session

**HOUSE BILLS PASSED BY SENATE AND HOUSE SHOWING
ACTION BY THE GOVERNOR THEREON
1974**

**FORTY-THIRD LEGISLATURE
THIRD EXTRAORDINARY SESSION**

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
1	Prescription drugs, sales tax exempt.....	185	5/6/74	7/1/74**
Sub. 10	Implied warranties, disclaimer	78	2/16/74	7/24/74
Sub. 29	Lottery, state, establishment	152	*REFERENDUM #34 *Referred to the people for vote on November 5, 1974	
Sub. 90	Personal service contracts, filing.....	191	5/6/74	7/24/74
Sub. 94	Veterans, public employment preference.....	170	5/5/74	7/24/74
102	Property condemnation awards	79	2/16/74	2/16/74
Sub. 135	Geothermal resources act	43	2/14/74	7/24/74**
138	Delinquent taxes, changing interest rate.....	116	2/19/74	7/24/74**
150	County officers, mileage allowance increase....	24	2/13/74	7/24/74
188	Court administrator, salary computation.....	156	4/29/74	7/24/74
289	Highway signs, general revisions.....	80	2/16/74	7/24/74
2nd				
Sub. 383	Plats, subdivisions, standards	134	2/19/74	7/1/74**
385	Animal technicians, veterinarians	44	2/14/74	7/24/74
437	Intermediate school districts	75	2/15/74	7/24/74
Sub. 473	Gambling, comprehensive provisions	135	2/19/74	7/24/74**
	(OVERRIDDEN)	155	.....	7/24/74
474	Governmental employees, political activities..	136	2/16/74	7/24/74**
Sub. 541	Public construction contracts, injunctions....	VETOED		
	(OVERRIDDEN)	153	.....	7/24/74
556	Community college students, tenure process..	33	2/13/74	7/24/74
566	Savings and loan associations, supervision costs	22	2/13/74	7/24/74
Sub. 569	Noise control, abatement	VETOED		
636	Fish farming, salmon eggs supply.....	23	2/13/74	7/24/74
2nd				
Sub. 637	Forest practices act	137	2/14/74	* **
	*Effective 2-14-74 except sections 1, 2 7 through 19, 21 through 29, 31 through 35, effective 1-1-75			
Sub. 670	Public transportation systems, county.....	167	5/5/74	5/5/74**
Sub. 671	Boxing matches	45	2/14/74	7/24/74
717	Organized militia, compensation	46	2/14/74	7/24/74
Sub. 748	Probate, general revisions	117	2/19/74	10/1/74
Sub. 757	School patrols, adult supervisors.....	47	2/14/74	7/24/74
761	Hotels, restaurants, defrauding crime.....	21	2/13/74	7/24/74
767	State military, promotion, seniority basis....	34	2/13/74	7/24/74
Sub. 779	Elected officials, teachers' retirement system..	199	5/6/74	5/6/74**
784	State travel allowance increased.....	157	4/29/74	7/24/74
804	Truth in spending act.....	48	2/14/74	7/24/74
816	Trains, oscillating lights required.....	90	2/16/74	7/24/74
Sub. 833	County, city jails, standards.....	81	2/16/74	2/16/74
Sub. 867	Urban arterial funds, construction delays....	168	5/5/74	5/5/74**
Sub. 869	Instructional fire permits	164	4/30/74	7/24/74
916	Highways, signs, cities, counties.....	138	2/15/74	7/24/74**
	(OVERRIDDEN)	154	.....	7/24/74
931	Insurance, general revisions	82	2/16/74	2/16/74
Sub. 967	Poison prevention act	49	2/14/74	7/24/74
1006	Sport franchises, property tax exempt.....	118	2/19/74	7/24/74

**Partial veto

HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
1031	Agricultural pesticide advisory board, added members	20	2/13/74	7/24/74
Sub. 1037	Egg industry, packaging			VETOED
1044	Nursery stock, original producer defined.....	83	2/16/74	7/24/74
Sub. 1063	Metro transit, package service authorized....	84	2/16/74	7/24/74
2nd				
Sub. 1077	Alcoholism hospitalization, health insurance..	119	2/19/74	7/24/74
1084	Public funds deposits, maximum interest rates	50	2/14/74	7/24/74
1144	Newborn infants, health care insurance.....	139	2/16/74	2/16/74**
1169	Asian-American affairs commission	140	2/16/74	2/16/74**
1171	Education, urban, rural, racial disadvantaged	85	2/16/74	7/24/74
1173	Counties, municipal services	51	2/14/74	7/24/74
1180	Election materials purchase	52	2/14/74	7/24/74
1181	Shoreland, certain second class, sale.....	186	5/6/74	5/6/74**
1183	Emergency services act	171	5/5/74	7/24/74
Sub. 1185	Timber taxation	187	5/6/74	5/6/74**
1206	Federal revenue sharing trust fund transfer..	53	2/14/74	2/14/74
1208	Electrical contractor qualifying certificates...	188	5/6/74	7/1/74**
1211	Port district budgets, filing date.....	19	2/13/74	7/24/74
1226	Metro vehicles regulation	76	2/15/74	2/15/74
1238	Logging trucks, permits	172	5/5/74	8/1/74
1240	Meat dealer fees	18	2/13/74	7/24/74
1245	Plumbers, regulation, licensing	120	2/19/74	2/19/74
1255	Compactor garbage trucks, gross weight.....	86	2/16/74	7/24/74
1259	Statutes, same legislature, construction.....	87	2/16/74	2/16/74
1261	Motor vehicle excise tax fund abolished.....	54	2/14/74	2/14/74*
	*except section 6, effective 6/30/81			
Sub. 1268	School districts, fire protection services....	88	2/16/74	7/1/74
1269	Judges, additional, Clallam and Jefferson counties	192	5/6/74	7/24/74
1272	Oral surgeon services, dental insurance.....	42	2/13/74	7/24/74
1273	Fire commissioner vacancies, filing.....	17	2/13/74	7/24/74
3rd				
Sub. 1274	Teachers' retirement act, general revisions....	193	5/6/74	5/6/74
1276	Consumer protection, exempt transactions....	158	4/29/74	7/24/74
1282	School transportation pilot program	91	2/16/74	2/16/74*
	*except sections 2-5, effective 7/1/74			
Sub. 1288	Delinquent tax interest; destroyed property tax	196	5/6/74	5/6/74
1292	Veterans' bonus, claims dated extended.....	173	5/5/74	5/5/74
1294	Teachers' certificates registration	55	2/14/74	2/14/74
1295	Bicycle routes, establishment, improvements..	141	2/16/74	2/16/74**
1296	Private schools, education board, limited rights	92	2/16/74	2/16/74
1301	Business inventories, tax credits, phasing out	169	5/5/74	5/10/74**
1302	Industrial development corporations, regulation changes	16	2/13/74	2/13/74
1303	Securities laws, general revisions.....	77	2/15/74	7/1/74
1309	School building financial assistance references	56	2/14/74	7/24/74
Sub. 1310	Budget, supplemental	142	2/19/74	2/19/74**
1316	University tract properties, sale, lease.....	174	5/5/74	7/24/74
1328	Airport noise, abatement programs.....	121	2/19/74	7/24/74
1334	Property tax refunds, additional ground.....	122	2/19/74	7/24/74
1354	Business, professions, code correction.....	25	2/13/74	2/13/74
1355	Volunteer firemen pensions, code correction..	26	2/13/74	2/13/74
1356	Labor and industries department, code correction	27	2/13/74	2/13/74
1357	Highway commission, code correction.....	29	2/13/74	2/13/74

** Partial veto

HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

<i>House Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
1358	Motor vehicle fuel taxes, code correction....	28	2/13/74	2/13/74
1360	Industrial insurance, code correction.....	30	2/13/74	2/13/74
1361	Water districts, code correction.....	31	2/13/74	2/13/74
1363	Public employment, retirement, general revisions	195	5/6/74	5/6/74
Sub. 1366	Fuel, petroleum contracts, costs.....	194	5/6/74	5/6/74
1373	Noxious weeds control	143	2/13/74	7/24/74**
1388	Fish, perishable packaged food goods.....	57	2/14/74	2/14/74
1420	State school funds, apportionment formula....	89	2/16/74	7/24/74
1423	ATV fuel tax	144	2/19/74	7/24/74**
1463	School transportation contracts	93	2/16/74	7/24/74
Sub. 1469	Cruelty to animals, general revisions.....	12	2/11/74	2/11/74
Sub. 1504	Alcoholics, treatment	175	5/5/74	7/24/74
1508	Insurance rate, sexes risk factor.....	32	2/13/74	7/24/74
Sub. 1525	Mental illness, civil commitments.....	145	2/16/74	2/16/74**

**Partial veto

**HOUSE MEMORIAL AND RESOLUTIONS
PASSED BY THE SENATE AND HOUSE**

1974

**FORTY-THIRD LEGISLATURE
THIRD EXTRAORDINARY SESSION**

HOUSE JOINT MEMORIAL

<i>Number</i>	<i>Subject</i>
17	Employee pension rights protection

HOUSE CONCURRENT RESOLUTIONS

59	Notifying governor that legislature is organized
60	Joint sessions, governor's message, U.S. Senator Henry M. Jackson message
62	Nursing homes, cost reimbursement
63	Seattle opera association, tenth anniversary
64	Declaring a no smoking day in the legislature

INDEX

**TITLE AND HISTORY OF SENATE AND HOUSE BILLS,
MEMORIALS AND RESOLUTIONS**

AND

TOPICAL INDEX

TITLE AND HISTORY OF SENATE BILLS

NUMBER, AUTHOR AND SUBJECT	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
2004. (SECOND REENGROSSED) Senators Herr, Stortini and Van Hollebeke: Providing for a state lottery.	40	127	129	567-568	180, 642	561, 642	657	660	p. 1059 VETOED
2006. (ENGROSSED) Senators Peterson (Lowell) and Talley: Providing for a loss of hunting license for unlawfully killing certain wildlife.	30								
2006. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Peterson (Lowell) and Talley): Providing for loss of hunting license for unlawfully killing certain wildlife.		66	67		67				
2017. Senators Bailey, Durkan, Peterson (Ted), Rasmussen and Washington (by State Treasurer request): Making certain changes in the veterans' bonus law.	93	191	191		192				
2046. Senators Scott and Marsh: Repealing the host-guest statutes.	30	65	65		65	345	351	420	Signed p. 615 CH. 3
2058. (ENGROSSED) Senators Bottiger, Henry and Woodall (by Legislative Council request): Permitting service of traffic citations for offenses not witnessed by citing officer.	133	194	194		194				

2085. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Washington, Guess and Henry): Adopting portions of the uniform vehicle code.	145, 710												
2095. (ENGROSSED) Senators Bailey, Fleming and Lewis (Harry): Allowing port districts to select a treasurer other than the county treasurer....	94	151	152		152	356	356	419				Signed p. 615 CH. 13	
2118. (ENGROSSED) Senators Gardner, Durkan and Fleming (by Asian-American Advisory Council request): Removing citizenship requirements to teach in common schools of state.	124												
2120. (SUBSTITUTE) Committee on Higher Education (originally sponsored by Senators Sandison, Canfield, Marsh and Gardner) (by Joint Committee on Higher Education request): Imposing additional duties on council on higher education relating to technological education.	53	141	141		142	356	356	419				Signed p. 615 CH. 4	
2132. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Murray, Fleming and Bottiger): Providing for a state criminal justice commission and training center.	41	152	152	568	153, 568	568	602	618				Signed p. 1073 CH. 94	
2140. (ENGROSSED) Senator Francis: Fixing remuneration for salaries and actual expenses of judges pro tempore.	846												
2156. Senators Francis, Murray, Grant, Ridder (Robert C.) and Woody (by Attorney General request): Providing that limitations on implied warranties shall be of no effect regarding consumer goods.	705	765	766		767	891	892	980				Signed p. 1075 CH. 180	
2186. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Bottiger, Gardner and Francis): Creating a new state examining and disciplinary board for naturopathic practitioners.	224				277								

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
2186. (SECOND SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senators Bottiger, Gardner and Francis): Creating a new state examining and disciplinary board for naturopathic practitioners.			277	277		278				
2199. Senators Henry, Murray and Walgren (by Department of Motor Vehicles request): Reporting by courts of any convictions for violations of laws regulating operation of motor vehicles.		228		*						
2203. Senators Grant, Stender, Woody and Connor: Placing classified employees of school districts under unemployment compensation coverage.		224			224					
2211. Senators Francis and Whetzel: Allowing prosecutor of King county to contract with attorney general to initiate support proceedings.		30	209, 241	243	199, 211	243				
2235. (REENGROSSED) Senators Walgren and Herr: Requiring precinct officers to appear on absentee ballots.		73	141	141		141	522	524	543	Signed p. 1072 CH. 73
2248. (ENGROSSED) Senators Woody, Atwood and Bottiger: Establishing certification procedures for court reporters.		155	212	212		212				

2318. Senator Rasmussen: Requiring regional plans and programs of regional planning commissions to conform to those of counties and municipalities within region, to extent commission's position cannot be justified to county or municipality.	41, 722			*						
2329. Senators Atwood and Mardesich: Providing for changes in legal services revolving fund.	41	85	85		86	473	480	523	Signed p. 1060 CH. 146 P. V.	
2366. (SECOND REENGROSSED) Senator Grant: Relating to legislative redistricting.	202	361	361		649	362, 649	649	657	660	Signed p. 1074 CH. 123
2388. Senator Walgren: Requiring annexation resolutions and petitions to be acted upon within one year.	155, 693			*						
2399. Senators Francis, Woody and Woodall: Defining reasonable attorney's fees in eminent domain proceedings.	31	84	84		84					
2401. Senators Woody and Knoblauch: Providing for personalized license plates.	134	368	360		360					
2408. (ENGROSSED) Senators Walgren, Twigg and Sandison: Authorizing remedies and penalties for violation of municipal competitive bidding requirements.	41	218	219		219	223	522	524	543	Signed p. 1073 CH. 74
2416. Senators Bottiger and Walgren: Implementing law relating to motor vehicle theft.	54	142	142		664	142, 665	662	681	684	Signed p. 1074 CH. 124
2429. Senators Ridder (Robert C.), Grant and Canfield: Implementing law relating to absentee balloting.	73				300					

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

TITLE AND HISTORY OF SENATE BILLS—Continued

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2429. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Ridder (Robert C.), Grant and Canfield): Implementing law relating to absentee balloting.....			300	300		301	419	419	473	Signed p. 1072 CH. 35
2477. Senators Woody and Clarke (by Secretary of State request): Providing for reinstatement of corporate privilege to do business after lapse of license.	31, 694				*					
2480. Senators Henry, Peterson (Lowell) and Talley: Relating to reforestation lands, disposition of proceeds.		145				233				
2480. (SUBSTITUTE) Committee on Natural Resources (originally sponsored by Senators Peterson (Lowell) and Talley): Relating to reforestation lands, disposition of proceeds.....			233			245				
2488. Senators Van Hollebeke, Woody, Atwood, Mardesich, Greive, Walgren and Twigg: Amending implied consent law to permit a person who has refused the test to plead guilty and keep his license.		31	64	64	569-570	65	568, 639	657	660	p. 1060 VETOED
2519. Senators Gardner, Murray, Fleming, Whetzel, Washington, Grant and Twigg (by Executive request): Creating a new board of prison terms and paroles and defining its functions.....			846							

2530. Senators Henry, Guess, Wanamaker, Walgren and Donohue (by Department of Motor Vehicles request): Providing staggered vehicle license registration.	228, 718			*						
2540. Senators Woody, Bottiger and Atwood: Providing for an increase in salaries of part-time district court judges.	31	233	233	234, 570	248, 570	570	602	618	Signed p. 1073 CH. 95	
2541. Senator Talley: Reducing acreage required to qualify for taxation under timber tax law....	452			482, 531						
2541. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Talley): Reducing acreage required to qualify for taxation under timber tax law.		531, 544	547	539	547					
2551. (ENGROSSED) Senators Wanamaker and Walgren: Prescribing purposes for which motor vehicle funds may be expended.	54	223	223		223	419	419	473	Signed p. 615 CH. 9	
2555. (ENGROSSED) Senators Herr, Donohue, Twigg, Lewis (Harry), Henry, Keefe, Woodall and Connor: Reducing liquor tax from four to two cents per fluid ounce.	767									
2562. Senator Walgren: Relating to transportation facilities.	718			830						
2562. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senator Walgren): Relating to transportation facilities.		830	830		830	953	980	1000	Signed p. 1075 CH. 159	
2572. (ENGROSSED) Senators Whetzel, Ridder (Robert C.) and Talley: Clarifying authority of sewer districts.	155	221	221	223, 255	222	522	544	559	Signed p. 1073 CH. 58	
2574. Senators Guess and Sandison: Providing for master degree of social work at Eastern Washington State College.	54	149	149		150	345	351	420	Signed p. 615 CH. 14	

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2583. (SECOND SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Matson and Peterson (Lowell): Revising motor vehicle overweight fee schedules.	94	199	200	588	201	587				
2584. (ENGROSSED) Senator Odegaard: Fixing compensation of diking district commissioners for labor other than attendance at meetings.	94	193	193		193	522	524	543	Signed p. 1072 CH. 39	
2627. Senator Day: Providing that irrigation districts may purchase and dispose of electronic power under certain conditions.	145	386	387		387					
2634. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Clarke, Guess and Fleming) (by Executive request): Enacting state building code act.	74				195					
2634. (SECOND SUBSTITUTE) Committee on Local Government (originally sponsored by Senators Clarke, Guess and Fleming) (by Executive request): Enacting state building code act.			195	195	571	198, 571	571	602	618	Signed p. 1073 CH. 96
2662. (ENGROSSED SUBSTITUTE) Committee on Parks and Recreation (originally sponsored by Senator Gardner): Providing for regulation and safe operation of recreational conveyances.	228				*					

2668. Senator Walgren: Permitting housing authorities to make certain elections under unemployment compensation laws.	134		*																	
2669. (ENGROSSED) Senators Van Hollebeke, Marsh, Gardner, Whetzel, Greive and Knoblauch: Relating to unemployment compensation and requiring employing units to report refusal of offers of reemployment.	134	217	217			218														
2670. Senators Woody, Atwood and Van Hollebeke: Providing increase for justice court juror's fees.	31, 694			*																
2675. (ENGROSSED) Senator Day: Revising laws regulating chiropractic.	155					251														
2675. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Senator Day): Revising laws regarding chiropractic.		251	252		572	252, 573	572	602	618											
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2688. Senators Peterson (Lowell) and Talley: Changing certain tax laws relating to commercial fishing vessels.	425, 767	858	858	*		858														
2689. Senators Mardesich, Gardner and Woody: Creating new juvenile court system.	155				248, 250															*
2689. (SUBSTITUTE) Judiciary Committee (originally sponsored by Senators Mardesich, Gardner and Woody): Creating new juvenile court system.		250	251			251														
2697. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Washington and Gardner (by Lieutenant Governor request): Placing certain appointed public officials under financial disclosure requirements.	846																			

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2701. Senator Matson: Relating to a migrant worker labor camp demonstration project.	425			597					
2701. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senator Matson): Relating to a migrant worker labor camp demonstration project.		597	597	650	598, 650	650	657	660	Signed p. 1074 CH. 125
2705. Senators Peterson (Lowell) and Peterson (Ted): Relating to food fish and shellfish.....	341, 426	551	553	551	553				
2716. (ENGROSSED) Senator Bottiger: Establishing a collective bargaining unit comprised of exempt employees who are liquor vendors.....	134	261	261	35	262				
2726. Senator Fleming: Relating to local government.	172			*					
2728. Senator Fleming: Relating to local government.	846	858	859		859				
2797. Senator Day: Relating to lotteries.....	694								
2843. (ENGROSSED SECOND SUBSTITUTE) Committee on Local Government (originally sponsored by Senator Fleming): Authorizing counties, cities and towns to participate in and implement federally assisted grant-in-aid programs.	41								

2843. (ENGROSSED THIRD SUBSTITUTE) Committee on Local Government (originally sponsored by Senator Fleming): Authorizing cities and towns to participate in federally assisted grant-in-aid programs.	117, 130, 136	140	119, 131	140	474	480	523	Signed p. 1072 CH. 37
2850. Senators Rasmussen and Guess: Prohibiting hitchhiking.			93					
2881. Senator Francis: Providing that a tenant who breaks his lease without making payment for the period of contract or leaving a forwarding address shall be guilty of a misdemeanor.	31, 694		*					
2904. Senator Dore: Relating to savings and loan associations.	181	279	280	575	280, 576	574	602	618 Signed p. 1073 CH. 98
2906. Senator Washington: Relating to environment.	710			784				
2906. (SUBSTITUTE) Committee on Ecology (originally sponsored by Senator Washington): Relating to the environment.	784, 793		794	785, 962	795, 963	962	983	1000 Signed p. 1061 CH. 183 P. V.
2911. Senator Grant: Relating to elections.	846							
2916. Senator Day: Relating to professional license fees.	181		*					
2931. Senators Rasmussen and Bailey: Prohibiting hiring of certain employees by state when receiving public pensions of over four hundred dollars per month.	94		*					
2937. Committee on Local Government (endorsed by Senators Whetzel, Murray, Jolly, Talley, Fleming, Sellar, Gardner and Connor): Authorizing cities to expend funds for legal aid.	41	87	87		87	356	356	419 Signed p. 615 CH. 5

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2938. Senators Sellar, Murray, Lewis (R. H. "Bob"), Jolly, Fleming, Gardner, Walgren, Connor and Talley: Authorizing a fire protection district service charge.		74			160					
2938. (SUBSTITUTE) Committee on Local Government (endorsed by Senators Sellar, Murray, Lewis (R. H. "Bob"), Jolly, Fleming, Gardner, Walgren, Connor and Talley): Authorizing a fire protection district service charge.			160	168	611	171, 612	611	641	645	Signed p. 1074 CH. 126
2939. Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley): Changing laws relating to buyers of smelt and smelt fishermen.		124	190	190		190				
2940. Committee on Natural Resources (endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry) and Talley): Limiting commercial salmon licenses.		124, 125, 172, 179, 235, 723			173, 229, 235, 719, 796					
2940. (THIRD SUBSTITUTE) Committee on Natural Resources (originally sponsored by Committee on Natural Resources, endorsed by Senators Peterson (Lowell), Metcalf, Sandison, Peterson (Ted), Lewis (Harry), and Talley): Limiting commercial salmon license.			796	799	961	799, 962	961	983	1000	Signed p. 1061 CH. 184 P. V.

2946. Committee on Parks and Recreation (endorsed by Senators Knoblauch, Jones, Canfield, Bailey, Woody and Wanamaker): Implementing law of state shorelands and tidelands.....	54	119, 149	149	120, 136	149	.....	.....	.....	.....	.....
2961. Senators Walgren, Whetzel, Francis and Keefe: Allowing prosecuting attorneys to employ legal interns.	31	62	62	63	62	345	351	419	Signed p. 615 CH. 6	
2962. Senators Walgren, Whetzel, Francis and Keefe: Allowing city attorneys to employ legal interns.	32	61	62	.....	62	345	351	420	Signed p. 615 CH. 7	
2969. Senator Lewis (Harry): Requiring department of ecology to approve or disapprove air pollution variances within sixty days.	94	151	151	.....	151	473	480	523	Signed p. 1073 CH. 59	
2973. Senators Woody and Francis: Making certain changes in laws relating to support of step-children.	202, 694	.....	.....	*	.....	.....	.....	.....	.....	.....
2974. Senators Woody and Francis: Permitting enforcement of judgments by supplemental proceedings in justice courts.	32	67	67	.....	67	.....	.....	.....	.....	.....
2977. Senators Guess, Washington, Walgren and Whetzel: Regulating discharge of air contaminants from motor vehicles.	134	282	282	262, 283	282	.....	.....	.....	.....	.....
2980. Senators Guess and Rasmussen: Abolishing all boards, commissions, councils, etc. created by executive order and prohibiting further creation of same.	94	238	240	241, 322	241	.....	.....	.....	.....	.....
2981. Senators Bottiger and Newschwander: Authorizing counties to establish a residential special assessment deferral program.	767	804	806	.....	806	.....	.....	.....	.....	.....
2986. Senators Greive, Herr and Woodall: Designating the twenty-first day of June of each year as Latin American Day.	255	*

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2988. Senator Canfield: Providing referendum procedure for changes in salaries of elected officials.	156			*					
2989. Senators Mattingly, Talley and Sellar: Authorizing members of legislative bodies of cities and towns to serve as volunteer firemen and receive like compensation and benefits as others so employed.	41	141	141		141	522	524	543	Signed p. 1078 CH. 60
2994. Senator Bailey: Requiring full disclosure from those who solicit funds for public charitable purposes.	228			*					
2995. Senators Dore and Stortini: Reducing motor vehicle insurance rates during condition of motor vehicle use curtailment.	8								
2996. Senators von Reichbauer, Ridder (Ruthe), and Jones: Exempting petition signatures from public disclosure.	8								
2997. Senator Metcalf: Directing department of fisheries to maximize social and economic benefits from food fish and shellfish.	8	145		*					
2998. Senators Lewis (R. H. "Bob"), Grant, Metcalf, Jones and Canfield: Implementing laws relating to confirmation powers of the senate.	8								

2999. Senator Peterson (Ted): Prohibiting hitchhiking.	8																				
3000. Senator Grant: Implementing veterans' bonus laws.	9																				
3001. Senator Metcalf: Permitting use of Tiger cats (felis bengalensis) as fur bearing animals.....	9	182			*																
3002. Senators Walgren, Talley, Day, Metcalf and Jones: Permitting state to make purchases from sheltered workshops.	9	95	211	211		212	522	544	559											Signed p. 1072 CH. 40	
3003. Senator Grant: Making general revisions to election laws.	9	18, 54, 658, 674	244	245	18, 576, 638, 658, 675	245, 675	576, 638, 658, 674	681	684												Signed p. 1074 CH. 127
3004. Senators Dore and Woody: Increasing motor vehicle financial responsibility requirements...	9	156, 694			*																
3005. Senators Atwood and Matson: Amending definitions of the interlocal cooperation act.....	9																				
3006. Senators Van Hollebeke, Wanamaker and Talley: Requiring property to be valued as agricultural land where improvements are prohibited for ecological reasons.	10																				
3007. Senators Dore and Woody: Amending standards for interest rates paid by public depositaries.	10	182			*																
3008. Senator Van Hollebeke: Fixing property valuations made by board of equalization for two years.	10																				
3009. Senators Metcalf and Talley: Requiring that deer and elk hunting seasons open on a Saturday.	10																				

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3010. Senators Metcalf, Guess, Jones, Scott, Wan- maker, Newschwander, Matson, Lewis (R. H. "Bob") and Sellar: Providing for the salaries of elected officials as mandated in Initiative 282.	10									
3011. Senators Odegaard, Donohue, Washington, von Reichbauer and Clarke: Excusing elected offi- cials of small local agencies from financial dis- closure requirements.	10									
3012. Senator Odegaard: Reducing annual fee for property tax exemption application.	11									
3013. Senator Grant: Lowering legal age for marri- age.	11									
3014. Senator Grant: Providing for public employ- ees' collective bargaining.	11	224			224					
3015. Senator Grant: Permitting confidential com- munication between state agencies and legis- lature.	12									
3016. Senator Atwood: Implementing laws relating to driving a motor vehicle while under the influence of alcohol.	12	125	214	215		216				

3017. Senators Van Hollebeke and Day: Directing that tax refunds of less than two dollars be credited against subsequent taxes due and payable.	19												
3018. Senators Day, Van Hollebeke and Jones: Requiring certain medical screening tests of newborn infants.	19												
3019. Senators Whetzel, Grant and Washington: Requiring greater clarity on punchcard ballots.	19												
3020. Senators Atwood, Donohue and Odegaard (by Executive request): Adopting the supplemental budget.	19	328				329							
3020. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Atwood, Donohue and Odegaard (by Executive request): Adopting the supplemental budget.			329			340							
							665 Referred to Comm. on Ways & Means		341				
3021. Senators Donohue, Henry and Twigg (by department of motor vehicles request): Requiring physical examination of every out-of-state vehicle before titling or licensing in this state.	20	145	179	179	84	179	615	641	645		Signed p. 1074 CH. 128		
3022. Senators Donohue, Henry and Twigg (by department of motor vehicles request): Increasing the fee for inspection and assignment of a vehicle identification number.	20	145	206	206	84	206	419	419	473		Signed p. 1072 CH. 36		
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3023. Senators Guess, Jolly and Donohue: Exempting certain activities from certain requirements of the environmental impact act.	20	146	207	207	175- 177, 747	208, 747	522, 795	524	543				
3024. Senators Marsh and Francis: Authorizing arrests for violations of superior court restraining orders under certain conditions.	20	125	189	189	578	189, 578	578	602	618		Signed p. 1074 CH. 99		

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3025. Senators Washington, Jolly, Henry, Guess and Donohue: Implementing the law relating to motor vehicle gross weight limits.	20									
3026. Senators Talley and Peterson (Lowell): Mandating transporting of students to school in grades kindergarten through grade eight during daylight hours.	20	173			283					
3026. (SUBSTITUTE) Committee on Education (originally sponsored by Senators Talley and Peterson (Lowell): Mandating transporting of students to school in grades kindergarten through grade eight during daylight hours.			283	284		284				
3027. Senators Talley, Peterson (Ted) and Connor: Defining "uniformed personnel" for purposes of public employees' collective bargaining.	20	224	270	270		271				
3028. Senator Walgren: Changing certain hearing requirements regarding franchises along public highways.	20	173, 723	807	807 *		807				
3029. Senators Marsh and Francis: Enacting a savings clause for the dissolution of marriage act.	21	125	198	198		198	356	356	419	Signed p. 615 CH. 15
3030. Senators Odegaard and Day: Making changes in the laws relating to mental illness.	21	202, 846			21, *					

3031. Senator Rasmussen: Abolishing the governor's power to proclaim public holidays.	21	156	258	258	.....	259	.....	.....	.....
3032. Senator von Reichbauer: Authorizing acceptance, management and expenditure by school district boards of directors of gifts and conveyances.	21	54	.....	.....	.....	185	.....	.....	.....
3032. (SUBSTITUTE) Committee on Education (originally sponsored by Senator von Reichbauer): Authorizing acceptance, management and expenditure by school district boards of directors of gifts and conveyances. ....	.....	.....	.....	185	185	.....	186	356	356	419	Signed p. 614 CH. 8
3033. Senators Whetzel, Dore and Woody: Allowing certain nonadmitted corporations to deal in notes secured by deeds of trust on real property.	32	203	.....	.....	*	.....	.....	.....	.....	.....	.....
3034. Senators Bottiger, Atwood and Bailey: Excepting fire districts from property tax increase limitation.	33	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3035. Senators Walgren, Washington, Knoblauch, Odegaard and Rasmussen: Prohibiting special permits for combinations of vehicles having a length in excess of seventy-three feet.....	33	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3036. Senator Grant: Increasing sales tax and exempting prescription drugs and food.	33	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3037. Senator Walgren: Requiring that "no smoking" areas be designated on state ferries.	33	55	188	188	.....	188	419	419	473	Signed p. 615 CH. 10	
3038. Senators Day and Jones: Making exceptions to the prohibition against the sale of convict-made goods for products of work or training programs.	33

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3039. Senator Day: Granting certain powers to the parks and recreation committee.	33	203	276	276	579-580, 730-732, 737-738	276, 580, 738	579, 795	602	618		
3040. Senators Day, Jones, Van Hollebeke and Ridder (Ruthe): Creating the Washington health care facilities authority.	33	166	272	273	.....	275	473	480	523	Signed p. 1063 CH. 147 P. V.	
3041. Senators Grant and Whetzel: Supplementing laws relating to charter amendments in cities of 300,000 population or over.	33	42	63	63	.....	64	67	68	68	Signed. p. 74 CH. 1	
3042. Senators Grant, Connor, Dore, Mardesich and Ridder (Ruthe): Enacting a state labor-management relations act.	33	95, 156, 372, 484, 739	.....	.....	156, 425, *, 815	.....	.....	.....	.....	.....	.....
3042. (SECOND SUBSTITUTE) Committee on Labor (originally sponsored by Senators Grant, Connor, Dore, Mardesich and Ridder (Ruthe): Enacting a state labor-management relations act. ....	.....	.....	815, 855	825, 856	825, 855	825, 857	1050	.....	.....	.....	.....
3043. Senators Van Hollebeke, Jones and Dore: Setting maximum speed limit on state roads at fifty-five miles per hour.	34	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3044. Senator Grant: Providing for mandatory dates for holding certain elections.	34	156	268	268	902	268	892

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3053. Senator Day: Removing "alcoholics" from definition of institution or establishment.	35	224	*
3054. Senators Durkan, Francis, Whetzel, Ridder (Ruthe) and Murray: Creating the office of ombudsman for corrections.	35	203	.....	.....	.....	203	.....	.....	.....	.....
3055. Senators Odegaard, Donohue and Canfield: Extending application period for real property current use classification for 1974.	35	125	262	262	.....	262	522	544	559	Signed p. 1072 CH. 41
3056. Senators Atwood, Woody and Day: Providing for initiative and referendum in counties....	44	203	.....	.....	*	.....	.....	.....	.....	.....
3057. Senators Atwood, Donohue and Francis: Regulating embalmers and funeral directors.	44	.....	.....	.....	.....	.....	.....	.....	.....	.....
3058. Senators von Reichbauer, Clarke and Bottiger: Authorizing added functions for the school directors' association and authorizing school districts to contract with the association in relation to its performance of certain functions.	45	146	269	269	581	270, 581	581	602	618	Signed p. 1074 CH. 101
3059. Senators Walgren, Whetzel and Murray: Authorizing port police to exercise full police powers.	45	156	280	281	.....	281	522	524	543	Signed p. 1073 CH. 62

3060. Senators Metcalf and von Reichbauer: Permitting public service signs along the interstate, primary, and scenic highway systems...	45	847	.....	.....	.....	.....	.....	.....	.....	.....
3061. Senators Henry, Washington and Sellar: Clarifying the powers of joint operating agencies (power commission).	45	.....	.....	.....	.....	.....	.....	.....	.....	.....
3062. Senators Lewis (Harry) and Sandison: Authorizing the sale and redemption of general obligation bonds for the construction and furnishing of higher education buildings and facilities.	45	125, 748	834	835	125	835	953	980	1000	Signed p. 1075 CH. 181
3063. Senator Durkan: Imposing an excess profits tax upon oil companies.	45	.....	.....	.....	.....	.....	.....	.....	.....	.....
3064. Senators Marsh and Atwood: Creating the data processing revolving fund.	45	224	276	277	.....	277	615	641	645	Signed p. 1074 CH. 129
3065. Senators Day, Van Hollebeke and Jones: Implementing the law relating to home care services.	46	255	.....	.....	.....	.....	.....	.....	.....	.....
3066. Senators Van Hollebeke and Dore: Relating to charitable solicitations.	46	.....	.....	.....	.....	.....	.....	.....	.....	.....
3067. Senators Henry, Peterson (Lowell), Durkan, Guess and Talley: Permitting credit for service in the state patrol to establish benefits in both the retirement systems of the patrol and of public employees.	46	.....	.....	.....	.....	.....	.....	.....	.....	.....
3068. Senators Bottiger, Dore, Clarke, Francis and Marsh: Authorizing law enforcement officers to arrest for probable cause at the scene of an accident.	46	.....	.....	.....	.....	.....	.....	.....	.....	.....
3069. Senators Donohue, Durkan, Day and Odegaard: Exempting sales of prescription drugs from the retail sales tax.	46

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3070. Senators Guess, Keefe and Lewis (R. H. "Bob"): Increasing membership on the board of Expo '74.	46									
3071. Senators Connor, Dore, Herr, Greive, Peterson (Ted), Mardesich, Durkan and Sandison: Prohibiting box offices to withhold inexpensive seats from sale.	46	225			*					
3072. Senator Woody: Setting clerk's fees for preparing an abstract of judgment and certificate of satisfaction of judgment.	46									
3073. Senator Day: Enacting the alcoholic beverage tax act of 1974.	46									
3074. Senator Day: Implementing the law relating to the liquor control board.	46									
3075. Senators Peterson (Ted), Knoblauch and Rasmussen: Authorizing the appointment of the secretary of the department of social and health services as a federal fiduciary with respect to estates of veterans.	46	125	195	195		195	522	544	559	Signed p. 1073 CH. 63
3076. Senators Dore, Mardesich and Day: Giving the department of social and health services authority to control noise.	47					47				

3077. Committee on Agriculture (endorsed by Senators Jolly, Sellar, Washington, Day, Donohue and Matson): Requiring identification of horses under certain conditions.	47	.....	142	.....	142	.....	142	.....	474	.....	480	.....	523	Signed p. 1072 CH. 38		
3078. Committee on Agriculture (endorsed by Senators Jolly, Sellar, Day, Donohue and Washington): Making changes in the laws relating to commission merchants.	47	.....	150	.....	150	.....	582	.....	150, 582	.....	582	.....	602	.....	618	Signed p. 1074 CH. 102
3079. Committee on Agriculture (endorsed by Senators Jolly, Sellar, Matson, Day, Donohue and Washington): Implementing the laws relating to estrays.	47	.....	206	.....	206	.....		.....	206	.....		.....		.....
3080. Committee on Agriculture (endorsed by Senators Jolly, Sellar, Donohue, Day, Washington and Matson): Implementing the laws relating to livestock brands.	48	.....	208	.....	208	.....		.....	209	.....	522	.....	524	.....	543	Signed p. 1073 CH. 64
3081. Senators Lewis (Harry), Guess, Metcalf, Lewis (R. H. "Bob"), Canfield and Jones: Requiring the state budget to be prepared utilizing the concept of zero based budgeting.	48	.....		.....		.....		.....		.....		.....		.....
3082. Senators von Reichbauer, Murray and Ridder (Ruthe): Providing for rules and regulations requiring school districts to publish statement of student responsibilities and rights of school district personnel respecting same.	48	146, 694	.....		*	.....		.....		.....		.....		.....
3083. Senator Woody: Eliminating the refunding of jury fees in cases settled out of court.	48	.....		.....		.....		.....		.....		.....		.....
3084. Senator Day: Relating to mentally disordered persons.	48	.....		.....		.....		.....		.....		.....		.....
3085. Senators Dore, Mardesich, Marsh, Van Hollebeke, von Reichbauer, Connor, Peterson (Lowell), Ridder (Ruthe), Stortini, Keefe and Walgren: Reducing car insurance rates ten percent during the energy crisis.	48	225		
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3086. Senators Mardesich, Woody and Ridder (Ruthe): Prohibiting employment-related personality testing	48									
3087. Senators Day and Jones: Permitting certain health services employees to practice medicine or surgery	48									
3088. Senators Washington, Jolly, Matson and Donohue: Authorizing special livestock theft investigators and making an appropriation.	48									
3089. Senator Day: Providing for a community based corrections project.	49									
3090. Senators Durkan, Walgren and Keefe: Enacting the prosecuting attorneys' professionalism act of 1974.	49	225			225					
3091. Senators Dore and Mardesich: Establishing state policy concerning the selection of firms and individuals to perform architectural, engineering, and related services.	49									
3092. Senators Durkan and Scott (by Office of Program Planning and Fiscal Management request): Abolishing certain accounts in the general fund.	49	341			*					

3093. Senator Woody: Requiring that certification of satisfaction of judgment be filed in any court having on file an abstract of the judgment...	49																		
3094. Senators Mardesich, Woody and Francis: Controlling the use of criminal record information.	49																		
3095. Senators Mardesich, Woody and Francis: Enacting the fair credit reporting act.	49																		
3096. Senator Rasmussen: Providing for review of agency requests for additional housing.	49	95, 695	782	783	*		783												
3097. Senators Donohue, Odegaard, Durkan, Day, Woody, Bailey, Bottiger, Connor, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Peterson (Lowell), Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren and Washington: Exempting persons over seventy from real property taxes.	49																		
3098. Senators Donohue, Durkan, Day and Woody: Exempting senior citizens from the excise tax.	50																		
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3100. Senators Durkan, Donohue, Sandison and Lewis (Harry): Transferring funds for use by the state patrol.	50	55	177	178			179	275	276	305									
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3102. Senators von Reichbauer and Grant: Providing for temporary appointments in case of vacancies in the office of U. S. Senator.	55	157, 695	1013	1013	*		1014												

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3115. Senator Matson: Relating to labor relations...	56																			
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3117. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Newschwander and Stortini): Allowing alcoholic beverage service in bowling alleys.			281	281		281	522	544	559											Signed p. 1073 CH. 65
3118. Senator Bottiger: Relating to highway safety.	57	134			317															
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3120. Senators Francis, Van Hollebeke, Greive and Dore: Implementing the law relating to foreclosure of deeds of trust.	57																			
3121. Senators Francis and Van Hollebeke: Authorizing the appointment of additional judicial officers in municipal courts.	57	209, 695	837	837 *		837														
3122. Senator Twigg: Making class A, B, C, D, or H liquor licenses at Expo '74 valid for one hundred ninety days without renewal.	57	95	186, 205	205	188	205	522	524	543											Signed p. 1073 CH. 66

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3126. Senator Matson: Amending the Washington clean air act.	58									
3127. Senator Matson: Relating to surety bonds for exempt carriers.	58									
3128. Senator Day: Enacting the Alcoholism Act of 1974.	58									
3129. Senator Walgren: Requiring safety facilities on railroad bridges.	58									
3130. Senator Walgren: Appropriating moneys for the Clearcreek interchange.	58	95	192	192		193	522	544	559	p. 1064 VETOED

3131. Senators Sandison and Odegaard: Requiring instruction in the system of criminal justice and law enforcement in the common schools.	58																			
3132. Senators Jones, Lewis (R. H. "Bob"), Scott, Greive, Grant, Whetzel, Fleming and Washington (by Executive request): Making prescription drugs available at competitive prices.....	58																			
3133. Senators Newschwander, Lewis (Harry), Atwood, Twigg, Scott, Matson, Wanamaker, Sellar, Guess and Peterson (Ted) (by Executive request): Phasing out inventory tax and eliminating sales tax on drugs.	58																			
3134. Senators Woody, Whetzel and Van Hollebeke: Changing filing fees in justice court actions...	58																			
3135. Senator Durkan: Providing for an alternate method of valuing real property.	59	173	363	364	368	657	657	660												
3136. Senator Day: Requiring continuing education for osteopaths and osteopathic surgeons.	59																			
3137. Senator Day: Permitting limitation of a physician's or osteopath's practice as a disciplinary measure.	59																			
3138. Senator Day: Requiring release of patients' records upon written authorization therefor...	59																			
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3140. Senators Scott, Lewis (Harry), Jones, von Reichbauer, Ridder (Ruthe), Fleming and Whetzel (by Executive request): Providing for health care services for newborn infants.	59	255			*															

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3142. Senators Walgren and Sandison: Placing additional personnel under the jurisdiction of the marine employee commission.	59									
3143. Senators Day and Donohue: Extending the authority of hospital districts.	59	173, 695	736, 738	738	* , 737, 851, 854	738, 854	850	874	891	Signed p. 1075 CH. 165
3144. Senators Peterson (Lowell), Peterson (Ted) and Talley: Making provisions for compensation for fish and wildlife losses.	60	146	206	206		206	522	544	559	Signed p. 1073 CH. 67
3145. Senators Dore, Woody, Clarke, Jones and Mardesich: Permitting the establishment of satellite banking facilities.	60	134			254					
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3146. Senators Whetzel, Durkan and Dore: Providing for art in public buildings.	60	182			299					

3146. (SUBSTITUTE) Committee on State Government (originally sponsored by Senators Whetzel, Durkan and Dore): Providing for art in public buildings.	299	299	997-999	299	997, 1040	1042	1050	Signed p. 1064 CH. 176 P.V.		
3147. Senators Walgren and Woody: Declaring the state ferry system to be a mass transportation system.	60	134	259	259	587	260, 587	587	603	618	Signed p. 1074 CH. 105
3148. Senators Clarke and Matson: Relating to duplication of electric lines and services and service area agreements by public utilities.	60									
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3151. Senator Day: Requiring a special statement of the amount claimed in an action for medical malpractice.	60				60					
3152. Senators Dore, Clarke and Woody: Allowing savings and loan associations to pay over balance of funds to an executor or administrator of an estate of deceased when such executor or administrator is appointed under the laws of any other state, territory or country.	75	157, 695			*					
3153. Senators Dore and Clarke: Including federal credit unions and savings and loan associations in the definition of "depository" in the "pre-arrangements contracts act" for cemetery services.	75	157, 695	808	808	*	809				

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3155. Senator Rasmussen: Implementing the laws relating to cities or towns operating under a council-manager plan.	75
3156. Senators von Reichbauer, Murray and Washington (by Superintendent of Public Instruction request): Providing for the cancellation of certain school district warrants.	75	146	*
3157. Senators Mardesich and Canfield (by Office of Program Planning and Fiscal Management request): Establishing and prescribing the functions of the committee on deferred compensation.	75
3158. Senators von Reichbauer and Murray (by Superintendent of Public Instruction request): Removing the section of traffic safety education from the division of curriculum and instruction of the superintendent of public instruction.	75	146	*

3159. Senators Sandison and Scott (by Superintendent of Public Instruction request): Transferring certain duties of state board of education relating to higher education to the council on higher education in the state of Washington.	75	157	209	209	.....	209	522	544	559	Signed p. 1073 CH. 68
3160. Senator Day: Removing the laws regulating midwifery.	76	.....	.....	.....	.....	.....	.....	.....	.....	.....
3161. Senator Talley: Relating to port districts.	76	.....	.....	.....	.....	.....	.....	.....	.....	.....
3162. Senator Day: Authorizing the department of social and health services to contract care to public assistance recipients.	76
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3164. Senators Day and Twigg: Removing the disqualification of persons convicted of crimes from certain employment.	76
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3166. Senators Woody and Twigg (by Department of Social and Health Services request): Relating to nursing homes and delegating duties to the state board of health.	76
3167. Senators Walgren, Peterson (Lowell), Twigg and Atwood: Imposing additional duties on the division of professional licensing.	76	.....	.....	.....	.....	.....	.....	.....	.....	.....
3168. Senators Washington and Murray: Allowing hearing examiners to assist in certain functions of the pollution control hearings board.	76	147	213	214	.....	214	474	480	523	Signed p. 1073 CH. 69
3169. Senator Walgren: Defining crimes relating to telephone and telegraph services.	76	695	757	758	997	758, 997	996	1019	1040	Signed p. 1075 CH. 160

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3178. Senators Lewis (Harry) and Atwood (by Executive request): Setting forth new formula for changing fees with all the state's public institutions of higher education.	79
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3180. Senators Atwood and Donohue (by Office of Program Planning and Fiscal Management request): Abolishing the motor vehicle excise tax fund and providing for the distribution of motor vehicle excise taxes from the general fund.	79
3181. Senators Odegaard, Woody and Atwood: Providing for superior court judges in certain counties.	79	203	271, 279	279	271	279	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3182. Senators Peterson (Lowell) and Wanamaker: Permitting public utility districts to enter certain contracts with other governmental groups.	80	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3183. Senator Francis: Providing for conservatorships for gravely disabled persons.	80	204	.....	*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3184. Senators Connor, Murray and Fleming: Permitting certain transfers between designated public retirement systems.	80	157	214	214	80	214	419	420	473	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3185. Senator Grant: Providing mandatory unemployment compensation coverage for public hospital district employees.	80	135	*

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3202. Senators Marsh, Metcalf, Sandison, Keefe, Atwood and Lewis (Harry) (by Council on Higher Education request): Establishing the college work-study program for needy students in post-secondary institutions and public vocational technical schools.	82	126, 341	382	383	126, 851	383, 851	851	874	891	Signed p. 1065 CH. 177 P. V.
3203. Senators Henry and Twigg (by Washington Utilities and Transportation Commission request): Requiring interstate motor carriers to operate within ICC authority registered with the Washington Utilities and Transportation Commission.	82	158	253	253	253	253				
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3206. Senators Metcalf, Francis and Van Hollebeke: Providing for a moratorium of one year from the charitable solicitation laws for nonprofessional fund raisers.	83	204	272	272	591	272, 591	588	608	618	Signed p. 1074 CH. 106
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3211. Senators Henry, Guess and Washington (by Washington Traffic Safety Commission request): Adopting a Model Traffic Ordinance for use by local governments.	83	710								
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3229. Senator Durkan: Conforming metro enabling legislation to requirements of federal pollution control laws.	97	183	260	260		260	473	480	523			Signed p. 1073 CH. 70	
3230. Senator Day: Relating to comprehensive health planning.	97												
3231. Senator Durkan: Revising the public employees' retirement system act.	97												
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3236. Senators Odegaard and Donohue: Relating to revenue and taxation.	98												
3237. Senator Day: Providing for public works contracts.	98												
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3283. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Durkan, Odegaard, Donohue, Balley, Bottiger, Connor, Day, Dore, Fleming, Francis, Grant, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Peterson (Lowell), Rasmussen, Ridder (Ruthe), Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington and Woody): Authorizing property tax exemptions and rental support programs for elderly, poor, and infirm persons.	800, 831	834	801- 802, 1050	834, 1050	1050	1050	1055	Signed p. 1075 CH. 182
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3336. Senators Washington, Stortini, Walgren and Woody: Permitting replacement of emission control systems with other equipment which enables the vehicle to meet applicable emission standards.	108	183
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3348. Senator Mardesich: Changing rights of members of teachers' retirement system who at some time are also elective or appointive public officials.	110								
3349. Senators Washington and Sellar: Prohibiting smoking on certain conveyances.	110								
3350. Senator Atwood (by Executive request): Consolidating purchase and operation of school buses.	111								
3351. Senator Day: Changing law relating to state and local aid to disabled persons, including mentally or physically deficient persons.	111	285	285	289	289	474	480	523	Signed p. 1073 CH. 71
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3355. Senator Rasmussen (by State Finance Committee request): Authorizing community college refund bonds.	112	235, 342	235, 377
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3358. Senators Peterson (Lowell) and Atwood: Authorizing disposition of site and improvements of northern state hospital.	112	168	247	247	853	247, 854	852	874	891	Signed p. 1070 CH. 178 P. V.
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3362. Senator Rasmussen (by State Finance Committee request): Providing for refunding of certain state capitol committee bonds by issuance of refunding bonds.	112	315	378	378	378	598	603	618	Signed p. 1074 CH. 113
3363. Senators Van Hollebeke, Francis, Woody, Greive, Grant, Donohue, Connor, Ridder (Ruthe), von Reichbauer, Day, Stortini, Knoblauch, Talley, Peterson (Lowell), Fleming, Odegaard and Keefe: Removing inheritance tax from pensions.	112								
3364. Senator Peterson (Ted): Relating to solicitation of funds for charity.	112								
3365. Senators Lewis (R. H. "Bob") and Day: Providing for reuse of certain unused drugs in nursing homes.	113	256, 696		*					
3366. Senators Peterson (Lowell) and Wanamaker: Granting certain powers to public utility districts.	113	158	379	380	380	522	544	559	Signed p. 1073 CH. 72
3367. Senators Peterson (Lowell) and Woody: Relating to energy supplies and the cost thereof.	113	304		*					
3368. Senator Whetzel: Relating to common schools.	113								
3369. Senators Mardesich and Whetzel: Regulating land use planning.	113								
3370. Senators Jolly, Atwood and Day: Regulating the egg industry.	113								

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TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
3371. Senator Bailey: Authorizing procedure whereby preliminary budget of a school district may become its final budget.	113	205			*					
3372. Senators Bailey, Lewis (Harry) and Durkan: Providing for public employment retirement...	113	183			*					
3373. Senators Walgren, Sandison and Wanamaker: Permitting fishing derbies.	114									
3374. Senator Fleming: Extending state purchasing opportunities to small businesses, minority entrepreneurs, and disadvantaged vendors....	114									
3375. Senators Mardesich, Atwood, Lewis (Harry) and Bailey: Mandating citizens to set officials' salaries.	114	147	248	249		250				
3376. Senator Mardesich: Protecting privacy.	114									
3377. Senators Mardesich, Woody and Walgren: Permitting WUTC to construct additions to railroad bridges to promote safety.	114									
3378. Senators Donohue and Atwood (by Executive request): Making certain appropriations and reappropriations.	114	426				465				

3378. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Senators Donohue and Atwood (by Executive request): Making certain appropriations and reappropriations.	465	465	466	598	603	618	Signed p. 1074 CH. 114		
3379. Senators Bailey and Day: Authorizing release of certain information to the attorney, guardian, conservator, or family of a mentally ill person.	540	540	540	541	540	598	603	618	Signed p. 1074 CH. 115
3380. Committee on Social and Health Services (endorsed by Senators Day, Van Hollebeke, Ridder (Ruthe), Connor, Jones, Clark, Murray, von Reichbauer and Francis): Relating to health care services, enabling the hospital commission to undertake a state cost containment control program in lieu of a federal control program as authorized under federal law and regulation....	704	759	759	760	953	980	1000	Signed p. 1075 CH. 163	
3381. Committee on Local Government (endorsed by Senators Whetzel, Fleming, Murray, Sellar, Jolly, Ridder (Ruthe), Beck, Lewis (R. H. "Bob") and Talley): Prohibiting any state agency from requiring the covering of any water reservoirs.	704	836	836	837					
3382. Committee on Higher Education (endorsed by Senators Sandison, Guess, Marsh, Scott, Donohue and Durkan): Making certain changes in the laws relating to discrimination.	704	753, 760, 771	772	757, 761	773				
3383. Committee on Higher Education (endorsed by Senators Sandison, Guess, Scott, Metcalf, Donohue and Marsh): Resolving present conflicts within higher education code resulting from simultaneous but conflicting legislative action.	704	764	764	764					

TITLE AND HISTORY OF SENATE BILLS—Continued

NUMBER, AUTHOR AND SUBJECT	<i>Introduction, First Reading and Committee Referral</i>	<i>Report of Committee</i>	<i>Second Reading and Amendments</i>	<i>Third Reading</i>	<i>Other Action in Senate</i>	<i>Vote on Final Passage</i>	<i>Message From House</i>	<i>Signed by President of the Senate</i>	<i>Signed by Speaker of the House</i>	<i>Action by Governor</i>
3384. Committee on Transportation and Utilities (endorsed by Senators Beck, Walgren, Jolly, Whetzel, Wanamaker, Sellar, Knoblauch, Keefe, Matson, Talley, Washington, Bottiger, Stortini and Peterson (Lowell): Requiring a life-cycle energy analysis of major public facilities.....						741				
3385. Senators Newschwander, Rasmussen, Walgren, Metcalf and Stortini: Imposing a mandatory death penalty for first degree murder and kidnapping.						741				

TITLE AND HISTORY OF SENATE JOINT MEMORIALS

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
106. Senators Donohue and Walgren: Providing for a second bridge across the Snake River funded with federal money.....		135	198	199		199	522	544	559
107. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Stortini, Rasmussen, Newschwander, Knoblauch and Walgren): Requesting Congress to include a proposed Tacoma Spur as part of the national system of interstate highways.....		226			*				
123. Senators Day and Keefe: Memorializing Congress to critically review the proposed merger of the Milwaukee Road into the Burlington Northern complex.....		612				612			
123. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Senators Day and Keefe): Memorializing Congress to critically review the proposed merger of the Milwaukee Road into the Burlington Northern complex.....			612	613		613			
131. Senators Mardesich, Woody and Atwood: Requesting the international joint commission delay any decision regarding Point Roberts until after hearing the recommendations of the Washington state legislature.....	60	183	263	263	595	263, 595	595	603	618
132. Senators Grant, Fleming and Woody: Memorializing the President and Congress of the United States (title only)..		114							

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TITLE AND HISTORY OF SENATE JOINT MEMORIALS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
133. Senator Grant: Memorializing the President and Congress of the United States (title only).....	114								
134. Senators Talley and Peterson (Lowell): Requesting federal government to protect the Washington state fisheries resource.	114	147	201	202		202	356	356	419
135. Senators Whetzel, Murray, Van Hollebeke and Guess: Memorializing Congress relative to motor vehicle emission standards.	114	180	390	391		391			

TITLE AND HISTORY OF SENATE JOINT RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
105. (ENGROSSED SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Washington, Grant, Ridder (Robert C.), Metcalf and Whetzel): Amending the state constitution to provide for annual sessions and allowing the legislature to convene itself for extraordinary sessions of no more than thirty days.	344	.....	.....	560	.....	.....	.....	.....
105. (SECOND SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Washington, Grant, Ridder (Robert C.), Metcalf and Whetzel): Amending the state constitution to provide for annual sessions and allowing the legislature to convene itself for extraordinary sessions of no more than thirty days.	560	560	.....	561	.....	.....	.....
106. Senators Metcalf, Murray, Gardner and Ridder: Providing for the retirement of judges at the age of seventy and setting limitations on the number of years one can hold elective office.	723	.....	.....	.....	.....	.....	.....	.....
113. Senator Whetzel: Proposing a new judicial article for the state constitution.	74	.....	.....	*	.....	.....	.....	.....
140. Senators Grant and Metcalf: Amending the constitutional veto power of the governor (SSJR 104)	18	88	88, 116	91	116	586	603	618
143. Senator Grant: Proposing an amendment to the Washington constitution on qualifications of electors.	12	42	86	86	596	86, 596	596	603	618

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TITLE AND HISTORY OF SENATE JOINT RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
144. Senator Durkan: Deleting obsolete language from Article VI, Section 1 of the state constitution—qualifications of voters.	21								
145. Senator Grant: Amending the state constitution relating to legislative salaries.....	50				50				
146. Senator von Reichbauer: Amending the constitutional provisions for salaries of elected state officials.....	83								
147. Senator von Reichbauer: Amending the governor's constitutional veto power.....	83								
148. Senators Mardesich and Atwood: Limiting service in the legislature to eighteen years.....	114								
149. Senators Bailey, Atwood, Lewis (Harry) and Mardesich: Amending the state Constitution to establish a citizens' commission to set salaries of legislators and state-wide elected officials.	115	147	246	247		247			
150. Senator von Reichbauer: Limiting state elective office service to twelve consecutive years.....	115								
151. Senators Scott, Murray and Metcalf: Proposing constitutional amendment limiting terms of state and county elected officials.	115								
152. Senator von Reichbauer: Requiring decennial reenactment of tax exemptions.....	115								

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
141. Senators Bailey, Mardesich, Atwood and Lewis (Harry): Providing for the reintroduction of legislative measures...	7		8	8		8	19	19	32
142. Senators Lewis (Harry), Atwood and Matson: Prescribing dates for the consideration of bills and adjournment <i>Sine Die</i> .	37				37, *				
143. Senators Bailey and Mardesich: Establishing cut-off dates.	35		35	37		37	44	53	76
144. Senators Mardesich, Woody and Atwood: Establishing a select committee to study Point Roberts.	61	183	363	363		363	680	682	684
145. Senator Greive: Amending the joint rules to provide for full financial disclosure by legislators.	83								
146. Senator von Reichbauer: Directing a study on establishing nonpartisan, independent accounting agency similar to the federal general accounting office.	83								
147. Senators Talley and Odegaard: Authorizing study on Wahkiakum-Cowlitz county line park.	115	183	263	263		263			
148. Senator von Reichbauer: Directing a study by the Senate financial institutions committee on contractual services by outside entities for state agencies.	115								
149. Senators Washington and Scott: Relating to governmental powers.	115	229			383, 396				

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TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
149. (SUBSTITUTE) Committee on Constitution and Elections (originally sponsored by Senators Washington and Scott): Relating to governmental powers.....			396	396	650	397, 651	650	657	660
150. Senators Mardesich, Bailey, Atwood and Lewis (Harry): Providing for changes in the Joint Rules of the Senate and House of Representatives.....	231		231	238	232, 236	238	257	313	346
151. Senators Atwood, Mardesich and Bailey: Authorizing a study of retirement systems.....	420	426	786	787 *		787	795	795	811
152. Senator Bailey: Authorizing temporary suspension of cut- off under Senate Concurrent Resolution No. 143.....	539		539	540		540	598	603	618
153. Senators Mardesich and Bailey: Adjourning the third extraordinary session of the forty-third legislature until April 15, 1974.....	648		648	648	673-674	649	659	676	676
154. Senator Newschwander: Requesting that SCR No. 147 be suspended for the purpose of introducing a bill relating to capital punishment.....	742		742	742		742			
155. Senators Mardesich and Bailey: Extending forty-day limit on third extraordinary session by one day.....	1051		1051	1051		1051	1055	1055	1057
156. Senators Bailey, Mardesich, Atwood and Lewis (Harry): Directing joint committee be appointed to notify governor the legislature is about to adjourn SINE DIE.....	1056		1056	1056	1056, 1057	1056	1057	1057	1057

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
161. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Notifying House that Senate is organized.	7				7, 8	7 Adopted
162. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Extending courtesies to former presidents, members and secretaries of the Senate.	7					7 Adopted
163. Senators Bailey, Atwood, Mardesich and Lewis (Harry): Providing for weekly payment of senators and employees. Providing each member the necessary supplies, equipment and materials required to operate the Senate.	7					7 Adopted
164. Senators Atwood and Lewis (Harry): Adopting rules of the regular session of the forty-third legislature as the rules of the Senate during the third extraordinary session of the forty-third legislature.	37				38 Referred to Comm. on Rules	
165. All Senators: Honoring memory of and recognizing the contributions of Dr. Martin Luther King, Jr.	21				22-24	24 Adopted
166. Senators Metcalf and Stortini: Requiring state of Washington institutions to meet all standards required of private institutions or organizations.	38				38 Referred to Comm. on Ways & Means	
167. All Senators: Expressing regrets on the passing of Orin E. "Babe" Hollingbery, former coach at Washington State University and extending sympathy to the members of Mr. Hollingbery's family and to the president and athletic director of Washington State University.	38					39 Adopted

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TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

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NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
168. Senators Rasmussen, Peterson (Ted), Washington, von Reichbauer, Ridder (Ruthe), Newschwander and Durkan: Expressing desire of the Senate that the highway commission not permit operation of triple trailers on the highways of the state of Washington.	51				51 Referred to Comm. on Transp. and Utilities	.....
169. Senators Dore and Van Hollebeke: Requesting public disclosure commission give first priority to investigation of legality of Governor Evans' secret fund and report its findings and recommendations to the third extraordinary session of the forty-third legislature.	52, 68				52, 68-72	72 Adopted
170. Senators Lewis (R. H. "Bob"), Fleming and Jolly: Authorizing the Senate committee on local government to conduct a study and make recommendations concerning township form of local government.	51					51 Adopted
171. Senators Day, Van Hollebeke, Jones and Stortini: Directing the Senate committee on social and health services to develop proposals for reimbursement system for nursing home care.	91					91 Adopted
172. Senators Day, Van Hollebeke and Jones: Adopting the bill of rights for children concerning foster children.	91					91 Adopted
173. Senators Marsh, Woodall, Atwood and Bailey: Expressing sorrow to family of former Senator Henry L. Schumacher on his untimely death.	92					92 Adopted
174. All Senators: Expressing pride in accomplishments and commending the distinguished career of Robert A. Yothers, national grand exalted ruler of the Elks.	121					121 Adopted

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175. Senators Keefe and Woodall: Commending entertainer Edie Adams for contributions to the cultural entertainment and business life of this country.	131	132	Adopted
176. Senators Mardesich and Woody: Conveying deepest sympathy and expressing respect for Donald F. Jennings to his brother, George Jennings, and sister, Kathryn Watson....	143		143 Adopted
177. Not considered.			
178. Senators Odegaard and Sandison: Requesting council on higher education study of appropriate education at public expense for handicapped children.	598		599 Adopted
179. Senators Jolly and Donohue: Extending sympathy to families of Fire Marshal Gabriel Tichi and Fire Fighter Woodrow Groom, Jr. on their deaths in the line of duty.	599		600 Adopted
			600, Referred to Comm. on Transp. and Utilities
180. Senators Mardesich, Grant and Woody: Requesting responsible development of all natural resources for the benefit of all people.	600		601-602 Referred to Comm. on Transp. and Utilities
181. Senator Canfield: Requesting creation of federal energy corporation.	601		
182. Senators von Reichbauer and Ridder (Ruthe): Requesting Congress urge President Nixon to demand North Vietnamese compliance with 1973 Vietnam peace accords and obtain full accounting of all American servicemen missing in action.	603		603 Adopted
183. Senators Bottiger and Odegaard: Recognizing Mt. Rainier National Park anniversary...	603		604 Adopted

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
184. Senators Bottiger and Walgren: Requesting Congress consider methods of relieving states of responsibility to match federal funds and consider reducing or eliminating state matching funds requirements for highway construction.	604					605 Adopted
185. Senators Atwood, Canfield, Clarke, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Sellar, Twigg, Wanamaker, Whetzel and Woodall: Commemorating birthday of Abraham Lincoln.	645				605	645 Adopted
186. Senators Durkan, Walgren, Rasmussen and Washington: Expressing desire of the Senate that the highway commission not permit operation of triple trailers on the highways of the state of Washington.	606				618	
187. Senators Day, Rasmussen, Ridder (Ruthe) and Van Hollebeke: Requesting state and local government committees study procedures of contracting by governmental agencies.	605					605 Adopted
188. Senators Marsh, Scott, Guess, Sandison, Metcalf and Donohue: Requesting higher education committee study feasibility of an educational grant program for recipients of AFDC.	606					606 Adopted
189. Senators Rasmussen, Knoblauch, Bottiger, Newschwander and Stortini: Congratulating Dr. Ernest Banfield, M.D. for his outstanding public service and his installation as president of national recreation and parks association.	606					607 Adopted
190. Senators Woody, Knoblach, von Reichbauer, Keefe, Grant, Wanamaker and Canfield: Requesting parks and recreation committee study possibility of expanding youth development and conservation corps.	607					607 Adopted

191. Senators Day, Guess, Keefe, Lewis (R. H. "Bob") and Twigg: Requesting Senate committee on natural resources study problems and methods of disposition of first and second class shorelands and tidelands.	607	608 Adopted
192. Senators Peterson (Lowell) and Walgren: Requesting legislative transportation committee study feasibility of acquiring abandoned railroad rights-of-way for use of public transportation facilities.	608	608 Adopted
193. Senators Sandison and Bailey: Requesting Senate committee on natural resources study salmon problems of Dungeness River.	608	609 Adopted
194. Senator Odegaard: Requesting department of social and health services report to next regular session of the legislature regarding antabuse programs in counties and regions of the state and commending Lewis County on their antabuse program.	609	609 Adopted
195. Senators Bottiger, Knoblauch and Durkan: Requesting Senate ways and means committee study decision in <i>Valentine v. Johnston</i> to determine required levels of funding and methods therefor to comply with that decision.	609	610 Adopted
196. Senators Sandison and Odegaard: Requesting Senate committee on education study feasibility of minimum instruction requirements for study of criminal justice system for all students of state's common schools.	610	610 Adopted
197. Senators Knoblauch, Canfield, Odegaard, Jones and Wanamaker: Requesting Senate committee on parks and recreation study historic site preservation programs of the state.	665	Referred to Rules,*
198. Senators Knoblauch, Canfield, Odegaard, Jones and Wanamaker: Requesting Senate committee on parks and recreation study existing and proposed park developments in Eastern Washington area.	666	Referred to Rules,*
199. Senators Knoblauch, Canfield, Odegaard, Jones and Wanamaker: Requesting Senate committee on parks and recreation study need for low bank, salt water access areas also additional boat access areas in Puget Sound waters.	666	Referred to Rules,*
200. Senators Jolly, Woody, Bottiger, Durkan, Lewis (Harry) and Canfield: Requesting department of agriculture study Alpha Angle Alphabet system of horse identification.	666	Referred to Rules,*

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TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
201. Senators Dore, Keefe and Woody: Requesting Senate committee on financial institutions study possibility of raising minimum financial responsibility requirements of automobile insurance coverage.	667				Referred to Rules,*	
202. Senators Dore, Keefe and Woody: Requesting Senate committee on financial institutions study necessity, types and availability of appropriate malpractice insurance for escrow agents.	667				Referred to Rules,*	
203. Senators Dore, Keefe and Woody: Requesting Senate committee on financial institutions study possibility of returning excess energy crisis profits to policyholders of automobile casualty insurance.	667				Referred to Rules,*	
204. Senators Dore and Woody: Requesting Senate committee on financial institutions study give-away campaigns by financial institutions.	668				Referred to Rules,*	
205. Senators Lewis (Harry), Atwood and Matson: Requesting Senate take all necessary steps for adjournment SINE DIE by twelve midnight, February 14, 1974.	576				578— Laid on Table	
206. Senators Bailey, Sandison, Woody, Bottiger, Walgren, Lewis (Harry) and Atwood: Honoring birthday of Senator August P. Mardesich, Senate majority floor leader.	596					597 Adopted
207. Senators Walgren, Donohue and Bailey: Citizens appearing at public hearings and actively participating shall not require those citizens to register under provisions of Initiative 276.	680					680 Adopted
208. Senators Walgren and Whetzel: Requesting Senate committee on transportation and utilities and others study bicycle use and transportation safety.	644					644 Adopted

209. Senators Durkan, Washington and Whetzel: Requesting chairmen of Senate committee on ways and means, transportation and utilities, and others to study feasibility of Single Buoy Mooring System.	643	.....	643	Adopted
210. Senator Fleming: Requesting Senate committee on local government study need for expending funds for programs set forth in Economic Opportunity Act of 1964 and other human resource planning and programming, and propose statutory language to implement use of these federal funds.	668	.....	Referred to Rules,*	.....
211. Senator Fleming: Requesting Senate committee on local government conduct study of water rates.	668	.....	Referred to Rules,*	.....
212. Senator Fleming: Requesting Senate committee on local government conduct study on annexation statutes.	669	.....	Referred to Rules,*	.....
213. Senator Fleming: Requesting Senate committee on local government conduct study of competitive bidding requirements of county road projects to be constructed or improved by day labor.	669	.....	Referred to Rules,*	.....
214. Senators von Reichbauer: Requesting Senate committee on financial institutions study problem of vested rights of pension benefits for private employees and develop proposal for insuring those benefits will not be lost to private employee enrolled in a retirement system.	669	.....	Referred to Rules,*	.....
215. Senator von Reichbauer: Requesting Senate committee on transportation and utilities study feasibility of requiring telephone companies in the state to have in operation by 1979 an emergency exchange.	669	.....	Referred to Rules,*	.....
216. Senator von Reichbauer: Requesting various state departments to develop and enforce rules and regulations as are necessary to make available sufficient numbers of steelhead and spring chinook for fishing by sport fishermen on the Green River.....	670	.....	Referred to Rules,*	.....
217. Senator von Reichbauer: Requesting creation of joint school transportation study committee to study school transportation systems.	670	.....	Referred to Rules,*	.....

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974. .

TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
218. Senators Sandison, Scott and Marsh: Requesting council on higher education study higher education correspondence courses.	681					681 Adopted
219. Senators Ridder (Ruthe), Woody, Jones and Connor: Requesting Senate committee on labor study desirability, feasibility, and appropriate manner of regulating private pensions in the state of Washington.	676				Referred to Rules,*	
220. Senators Grant, Ridder (Ruthe) and Connor: Requesting Senate committee on labor study operation of self-insurance programs and examine whether legislation may be needed to modify or regulate such programs to carry out legislative mandate and intent expressed in workmen's compensation act of 1971.	676				Referred to Rules,*	
221. Senators Ridder (Ruthe) and Connor: Requesting Senate committee on labor study possibility of establishing a program of income protection.	677				Referred to Rules,*	
222. Senators Grant, Woody, Ridder (Ruthe) and Connor: Requesting Senate committee on labor study possibility of integrating and consolidating jurisdiction and administration of all public and private employment collective bargaining in a single agency or division.	677				Referred to Rules,*	
223. (Not considered)						
224. Senators Durkan, Atwood, Donohue and Odegaard: Requesting Senate committee on ways and means study property tax system.	677				Referred to Rules,*	

225. Senators Day and Guess: Requesting Senate committee on social and health services investigate all pertinent facts relative to operation of Eastern State Hospital and Washington State Reformatory and possible closure as indicated by secretary of department of social and health services.	778	Referred to Rules,*	.....
226. Senators Grant and Connor: Requesting Senate committee on labor to study appropriate manner of extending unemployment compensation coverage to all public employees of the state of Washington and its political subdivisions.	678	Referred to Rules,*	.....
227. Senators Dore, Francis, Whetzel, Peterson (Ted), Murray, Scott and Jones: Commending Stan Stapp and Outlook newspaper and wishing continued success.	646		646 Adopted
228. Senators Washington, Whetzel, Guess and Murray: Requesting department of ecology prepare tentative rules, regulations and guidelines to interpret and implement state environmental policy act of 1971.	681		682 Adopted
229. Senators Mardesich, Knoblauch, Atwood and Canfield: Establishing select committee to develop policies regarding best interest of state of Washington relating to future of Point Roberts.	682	Referred to Rules,*	.....
230. Senators Durkan and Francis: Directing Senate judiciary committee study Senate Bill No. 3054, the proposed Washington Correctional Ombudsman Act.	679	Referred to Rules,*	.....
231. Senator Peterson (Lowell): Requesting Senate committee on natural resources study methods of disposal of surplus salmon and parts thereof.	682		682 Adopted
232. Senator von Reichbauer: Condemning treatment of Alexander Solzhenitsyn, Russian citizen and Nobel prize winner.	683	Referred to Judiciary	.....
233. Senators Rasmussen and Mardesich: Requesting Governor Evans halt plans for remodeling of Governor's Mansion.	690		690 Adopted
234. Senators Whetzel and Fleming: Requesting Senate committee on ecology investigate necessity and desirability of state regulations requiring lidding of existing uncovered water reservoirs.	684	Referred to Rules,*	.....
235. Senators Washington and Donohue: Urging United States Environmental Protection Agency to allow controlled use of DDT to halt Tussock moth infestation.	686		686 Adopted

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TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
236. Senator Washington: Requesting Senate committee on ecology study problem of Moses Lake and other lakes where algae growth is prevalent.	685				Referred to Rules,*	
237. Senators Bailey and Sandison: Requesting Senate committee on ecology study implementation of Substitute Senate Bill No. 3329 relating to the siting of thermal power plants.	685				Referred to Rules,*	
238. Lieutenant Governor Cherberg and all members: Commending Sidney R. Snyder, Secretary of the Senate.	686					689 Adopted
239. Senator Peterson (Lowell): Requesting Senate committee on natural resources conduct study of federal court decisions relating to fishing rights and effect of such decisions on this state and its fish resources.	689					689 Adopted
240. Senators Bailey, Odegaard and Talley: Requesting federal and state energy offices recognize charter boat industry and be given appropriate priority in fuel oil.	689					690 Adopted
241. Lieutenant Governor Cherberg and all members: Invitation extended to Carl XVI Gustaf, King of Sweden to attend Expo 74.	690					691 Adopted
242. Senators Greive, Day, Francis, Bailey, Mardesich, Knoblauch, Connor, Jolly, Ridder (Ruthe), Marsh, Stortini, Grant, Fleming, Peterson (Lowell), Herr, von Reichbauer, Walgren, Washington, Dore, Bottiger, Beck, Woody, Rasmussen and Van Hollebeke: Requesting governor report to legislature all projections.	721				721	721 Adopted
243. Senators Bottiger, Sandison, Stortini and Beck: Sympathy extended to family of D. F. Jones, Tacoma fireman.	849					850 Adopted

244. Senators Day, Jones and Van Hollebeke: Requesting Senate and House Committees on Social and Health Services study corrections system reform.	879	880	Adopted
245. Senators Bottiger, Peterson (Lowell), von Reichbauer, Mardesich and Metcalf: Requesting Congress renegotiate Indian treaties.	877	878	Adopted
246. Senators Bottiger and Sellar: Requesting Congress and department of transportation enact legislation and rules requiring reflectorized marking on railroad cars.	880	880	Adopted
247. Senators Stortini, Bottiger, Newschwander, Knoblauch, Beck and Rasmussen: Congratulating Tacoma Community College Basketball Coach and players.	757	757	Adopted
248. Senators Sandison, Marsh, Whetzel and Francis: Requesting review of law against discrimination by Judiciary Committee.	753	753	Adopted
249. Senator Woodall: Requesting appointees to the Public Disclosure Commission.....	769	770	Adopted
250. Senator Sellar: Encouraging U.S. Navy to retain site at Boardman or seek suitable alternate site on land owned by United States government.	881	882— Referred to Rules	.....
251. Senators Jolly, Sellar, Donohue, Day, Odegaard, Bailey, Talley and Washington: Requesting national administration reconsider use of foreign vessels in transporting anhydrous ammonia and amend Jones Act.	828	829	Adopted
252. Senators Durkan, Canfield, Day, Bailey, Guess and Sergeant at Arms Johnson: Condolences to family of Robert B. Jim also to Yakima Tribal Council.	828	828	Adopted
253. Senator Washington: Requesting Senate Committee on Ecology study problem of flood plain zoning, agricultural and and irrigation structures, and their relation to shoreline management act.	877	877	Adopted
254. Senators Marsh, Talley and Henry: Commending city of Vancouver, Washington on Sesquicentennial Celebration and requesting issuance of commemorative stamp.....	809	810	Adopted
255. Senators Francis, Durkan, Ridder (Ruthe), Walgren, Van Hollebeke and Dore: Requesting Senate Judiciary Committee study law enforcement agency activities.....	883	883	Adopted

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

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TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
256. Lieutenant Governor Cherberg and 48 members: Honoring Senator and Mrs. Damon R. Canfield on leaving legislature.	838					845 Adopted
257. Senators Beck and Bailey: Commending Randy Patterson, Gig Harbor fire department for heroic efforts to save life of a construction worker.	878					878 Adopted
258. Lieutenant Governor Cherberg and 48 members: Honoring Senator and Mrs. Robert W. Twigg on leaving legislature.	883					888 Adopted
259. Senators Durkan, Day, Rasmussen and Odegaard: Requesting Congress to set national health care system with deliberate speed.	876					876 Adopted
260. Senators Guess and Washington: Requesting Senate Committee on Ecology study base flows, requirements of 1971 water resources act and other matters related to stream flow and stream management.	880					881 Adopted
261. Senators von Reichbauer, Ridder (Ruthe) and Woody: Directing Senate Committee on State Government study feasibility of fiscal impact to the state of extending exemptions to senior citizens for purchase of public services, licenses and fees.....	888					888 Adopted
262. Senators Lewis (Harry), Bailey, Mardesich, Atwood, Grant and Matson: Requesting house of representatives consider SJR 105—annual sessions.	875					876 Adopted
263. Senator Mardesich: Authority of rules committee to assign studies.	878					879 Adopted
264. Senators von Reichbauer and Ridder (Ruthe): Requesting Senate committee on education to make thorough examination of recommendations of the special education commission in regard to learning disabilities.	889					889 Adopted

265. Senator Bailey: Requesting Congress continue to provide funds to support community action program.	889	890	Adopted
266. Lieutenant Governor and 48 members: Honoring Senator and Mrs. Frank Connor on leaving legislature.	931	937	Adopted
267. Senators Fleming and Whetzel: Congratulating Garfield High School Bulldogs basketball team on successful season.	890	891	Adopted
268. Senator Greive: Requesting Senate committee on commerce study interior design field and prepare plan of licensing and regulation of the profession.	1051	1051	Adopted
269. Senators von Reichbauer, Walgren and Beck: Requesting Senate Committee on Rules appoint select committee to study feasibility of state obtaining Vashon Island Nike missile site from federal government.	1051	1051	Adopted
270. Senators Woodall and Newschwander: Requesting that legislature, commencing with forty-fourth session, no session shall be extended past the date agreed upon for adjournment, nor shall such extension be by any subterfuge or action such as stopping the clock.	1052	1052, Referred to Committee on Rules	.....
271. Senators Sandison, Marsh, Donohue, Scott, Metcalf and Odegaard: Requesting Senate committee on higher education study regarding community colleges faculty negotiations.	1052	1053	Adopted
272. Senator Bottiger: Requesting House and Senate committee on rules re-examine all elements of the legislative process.	1053	1053	Adopted
273. Senators Sandison, Bailey, Mardesch, Atwood and Lewis (Harry): Providing for completion of work of the Senate after adjournment and during interim period between the close of the third extraordinary session of the forty-third legislature and the convening of the next session.	1053	1053	Adopted
274. Senators Bailey and Atwood: Providing for indefinite postponement of all legislative bills, memorials and resolutions in hands of committees.	1056	1057, 1058	Adopted
275. Senators Bailey, Mardesch, Atwood and Lewis (Harry): Appointing committee to notify House that the Senate is ready to adjourn the third extraordinary session of the forty-third legislature SINE DIE.	1056	1057	Adopted

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1. (ENGROSSED) Representatives May, Kopet, Pardini, Smythe, Amen, Benitz, Blair, Brown, Charnley, Chatalas, Cunningham, Curtis, Eikemberry, Gallagher, Gilleland, Hendricks, Jastad, Julin, Kilbury, Knowles, Leckenby, Luders, Nelson, North (Lois), Parker, Patterson, Polk, Pullen, Rabel, Schumaker, Shinpoch, Swayze, Tilly, Van Dyk, Wilson and Zimmerman: Exempting prescription drugs from retail sales and use tax.	892, 1033	1014	.....	1014	1015	1015	.....	1039	1040	CH. 185
10. (ENGROSSED SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Ehlers, Shinpoch, Wojahn and Goltz): Providing that disclaimer of warranties in the sale of consumer goods shall be ineffective.	126, 542	126	395	475	476	476	.....	559	559	CH. 78
14. (SECOND SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representative Bluechel): Regulating practice of acupuncture.	305	305	748	.....	.....	.....	.....	.....	.....	.....
29. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Gallagher and Conner): Providing for a state lottery.	718	719	748	929	930	931	869	980	983	REFER- ENDUM #34 CH. 152

87. (REENGROSSED) Representatives Thompson, Curtis, Chatalas and Matthews (by Legislative Budget Committee request): Eliminating motor vehicle fuel tax refunds presently available for watercraft in this state.	55	61	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
90. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Kopet, Thompson and Curtis) (by Legislative Budget Committee request): Providing for filing of personal service contracts.....	309, 979	310	542, 768	870	870	870 *	1000	1003	CH. 191			
94. (SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Beck, Parker, Bender, Anderson and Ceccarelli): Providing for veterans' preference in civil service examinations.	305	305	418, 696	787	788	788 *	811	812	CH. 170			
102. Representatives Bauer, Berentson, Laughlin, Hansey and Erickson: Authorizing alternative procedures for payment of condemnation awards subject to benefits setoff.	345, 616	346	426	463, 485	486	486	464	616	616	CH. 79		
122. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Benitz, May, Hayner, Ceccarelli, Hendricks, McCormick, Paris and Schumaker): Making it unlawful to display indecent material.	147	148	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
135. (ENGROSSED SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives Paris, Kilbury, Zimmerman, Douthwaite and Charnley) (by Legislative Council request): Conserving geothermal resources.	229	230	308	384	384	384	.....	473	474	CH. 43		
138. (ENGROSSED) Representatives Kilbury and Kopet: Changing the rate of interest on delinquent property taxes from a variable rate to a uniform rate.	147, 659	148	521	651	651	651	.....	675	676	CH. 116		

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

251. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Knowles, Wojahn and Eikenberry) (by Judicial Council request): Providing wrongful death actions in the case of the death of a child.	174	175											
289. (ENGROSSED) Representatives Polk, Lysen, Freeman and Julin: Providing for motorists' information signs.	126, 542	126	372	391, 393	393, 399	400		559	559	CH. 80			
383. (SECOND SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Van Dyk, Douthwaite and Charnley): Providing standards for approval of plats and subdivisions.	310, 617, 637, 671, 679	310	418, 660, 671	500, 617	501	501, 672	482, 617, 660, 672	680	689	CH. 134 P. V.			
385. (REENGROSSED) Representatives Van Dyk, Kelley and Patterson: Establishing animal technicians, allowing state veterinary board to employ a secretary, providing for suspension or revocation of veterinary license if revoked in another state.	126	126	351	469	470	470		522	523	CH. 44			
387. (REENGROSSED) Representatives Wojahn, Kuehnle, Erickson and Ehlers (by Joint Committee on Education request): Implementing law relating to school district organization.	310	310	415										
393. (ENGROSSED) Representatives Bagnariol, Gaspard and Ceccarelli (by Department of General Administration request): Providing for a corporation to sue or be sued in its corporate name.	310	310	415	502	503	503							
427. (ENGROSSED SUBSTITUTE) Committee on Agriculture (originally sponsored by Representative Kilbury) (by Department of Agriculture request): Providing regulations for the salvage of food.	126	127											

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
430. (ENGROSSED SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Perry, Swayze, Charnley, Kraabel, Sommers, Rabel, Thompson, Valle, Gilleland, Van Dyk, Bluechel, Brown, Blair, Wilson, North (Lois), Luders, Maxie, Ceccarelli, Cunningham, Eng, Hoggins, Matthews and Williams): Creating a department of transportation.	892									
			NOT INTRO- DUCED							
437. (ENGROSSED) Representatives Brown and Luders (by Joint Committee on Education request): Implementing the law relating to intermediate school districts.	95	115	308	485	485	485		543	544	CH. 75
447. (ENGROSSED) Representative Randall: Pertaining to tax exemptions, exclusions, deductions and credits.	828	845								
457. Representatives Bagnariol, Johnson and Gilleland: Providing for payment for costs of relocating public sewer and water facilities located within the right of way of certain highways...	126	127	426							
466. Representatives Gilleland, Beck, Berentson, Conner, Hansey and Freeman: Making it a misdemeanor to operate a vehicle with license plates or tabs not assigned to it.	345	346								

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473. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Jastad, Bagnariol, Wojahn, McCormick, Savage, Kalich, Thompson, Anderson, Ceccarelli and Gaines): Authorizing card rooms, pinball machines, punch cards, and pull tabs.	229, 639, 661, 675, 1003	230	427	495, 508	518	662, 1007	464, 476, 499, 661, 1003-	1007, 1008	680	689	CH. 135 P. V. OVER- RIDDEN CH. 155
474. (ENGROSSED) Representatives Smith, Bluechel, Sommers, Bausch, King, Ehlers, Zimmerman, Bauer, Blair and Gaspard: Allowing state, city and county employees to engage in certain political activities.	147, 616	148	345	504	504	505	639	616	616	CH. 136 P. V.	
491. (ENGROSSED) Representatives Johnson, Conner and Ellis: Directing the highway commission to provide additional phone service in certain areas.	827	845									
493. Representatives Knowles and Eikenberry: Repealing the host-guest statutes.	305	305									
515. (ENGROSSED) Representatives Martinis, Johnson and Jueling: Pertaining to public work contracts in first class cities.	55	61	418, 697				*				
530. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives Van Dyk, Benitz, Kilbury, Amen and Bauer): Changing the laws relating to commission merchants.	55	61	485				*				
541. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Eikenberry, Knowles, Gaspard, Smith, Polk, Swayze, Luders, May, North (Lois), Chatalas, Julin and Pullen): Providing for injunctions affecting construction contracts.	136, 1008	136	452	505	506	506, 1008	1008	543	544	VETOED OVER- RIDDEN CH. 153	

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
549. (ENGROSSED) Representatives Kuehnle, Beck, Zimmerman, Pardini, Bagnariol, Randall, Paris, Hendricks, Garrett, Patterson, Barden, Luders, Knowles, Eng and Matthews: Regulating sale and transfer of devices adapted for the use of drugs by injection.	229	230	415							
550. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Ellis, Garrett, Hansen, Morrison, Newhouse, Benitz, Flanagan and Johnson): Relating to district court judges.	811	811								
554. Representative Knowles: Setting a time limitation for the transfer of prior service credits into the judicial retirement system.	136	136	315							
556. (ENGROSSED) Representatives Maxie, Rabel and King: Providing for student participation in community college tenure process.	147	148	353	506	506	506		543	544	CH. 33
566. Representatives Ceccarelli, Barden and Chatalas: Requiring savings and loan associations to pay for the cost of state supervision.	55	61	158	395	395	395		473	474	CH. 22

569. (ENGROSSED SUBSTITUTE) Committee on Ecology (originally sponsored by Representatives Wojahn, Valle, Blair, Nelson and Paris): Providing for the abatement and control of noise.	55, 543	61	394	474, 483	484	484	460, 462, 475	559	559	VETOED
582. (ENGROSSED) Representatives Martinis, Pardini, Thompson, Charnley and Kraabel: Providing for the study and preservation of wild, scenic and recreational rivers.	147	148	740	.....	.....	.....	.....	.....	.....	.....
596. (ENGROSSED) Representatives Johnson and Kelley: Permitting a vintage motor vehicle to be used for daily transportation and bear plates from its year of manufacture.	126	127	.....	.....	.....	.....	.....	.....	.....	.....
597. (ENGROSSED SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Thompson, Zimmerman and Laughlin): Providing for the development of public water supply systems.	147	148	.....	.....	.....	.....	.....	.....	.....	.....
607. (REENGROSSED) Representatives Gallagher, McCormick, Knowles and Gaines: Regulating tow trucks.	147	148	.....	.....	.....	.....	.....	.....	.....	.....
624. Representatives Swayze, Honan, Berentson, Curtis, Freeman, Gilleland, Hansey, Hendricks, Kishimoto, Leckenby, Pardini, Polk, Wojahn and Zimmerman: Excluding baby sitting referral services from the definition of employment agencies.	95	115	415	.....	.....	.....	.....	.....	.....	.....
631. Representative Douthwaite: Authorizing the director of fisheries to manage and regulate unclassified fish, shellfish, and marine invertebrates.	309	311	373, 718

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*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
636. (ENGROSSED) Representative Smith: Allowing department of fisheries to supply salmon eggs for use in fish farming or aquaculture for any length of time.	74	84	184	368	368	369	.....	473	474	CH. 23
637. (ENGROSSED SECOND SUBSTITUTE) Committee on Natural Resources (originally sponsored by Representatives Charette, Thompson, Bausch, Conner, Jastad, Van Dyk, Anderson, Savage, Benitz, Schumaker, Zimmerman, Newhouse, Flanagan, Clemente, Goltz, Paris, Kalich, Haussler, Swayze, North (Lois) and Bertenson): Enacting forest practices act of 1974.	229	230	373	397	398	399	.....	473	474	CH. 137 P. V.
647. (ENGROSSED SUBSTITUTE) Committee on State Government (originally sponsored by Representatives Conner, Parker, Van Dyk, Rable, Blair, Paris, Wojahn, Eng, Perry and Maxie): Creating a new board of prison terms and paroles and defining its functions.	892	NOT INTRODUCED	.....	.....	.....	.....	.....	.....	.....	.....
662. (ENGROSSED) Representatives Parker, Fortson and Rabel: Relating to liability of persons withdrawing blood.	148	148	415	.....	.....	.....	*	.....	.....	.....

670. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives Nelson, Gilleland, Charnley and Beck): Authorizing and funding for public transportation systems.	472, 1039	524	847	937, 947	948	948	871, 945	1040	1042	CH. 167 P. V.
671. (SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Gallagher, Conner and Kalich): Implementing laws relating to length of boxing matches.....	126	127	415	468	468	468	.....	523	523	CH. 45
717. (ENGROSSED) Representatives Polk, Parker and Brown: Relating to compensation of organized militia.	184	184	353	399	399	399	.....	473	474	CH. 46
748. (SUBSTITUTE) Judiciary Committee (originally sponsored by Representatives Smith, Kelley and Laughlin): Making certain changes in laws relating to probate.	229, 639, 645, 675	230	394, 654, 659	433, 454	451, 454	454, 659	452, 454, 641, 659, 699	679	679	CH. 117
757. (ENGROSSED SUBSTITUTE) Committee on Education (originally sponsored by Representatives Erickson, Johnson, Valle, McCormick, Wojahn, Maxie, North (Lois) and Hayner): Supplementing law authorizing school patrols.	229	230	394	469	469	469	.....	523	523	CH. 47
761. (ENGROSSED) Representatives Smythe, Eikenberry, Smith, Barden, Parker and Tilly: Increasing penalties for defrauding hotels, inns, restaurants and boarding houses.	126	127	315	400	400	400	.....	473	474	CH. 21
764. (ENGROSSED SUBSTITUTE) Committee on Education (originally sponsored by Representatives Polk, Bauer, Smythe, Barden, Pullen, North (Lois), Clemente, Hoggins, Bender, Hayner, Hurley, Eikenberry, Gilleland, Thompson, Freeman, Kopet, Brown, Jul'n, Warnke, Curtis and Wilson): Creating a basic skills educational accountability system for grades kindergarten through six of the public schools.	474	524	848	.....	.....	.....	.....	.....	.....	.....

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
767. (ENGROSSED) Representatives Polk and Parker: Eliminating seniority as a basis for promotion in state military.	184	184	354	507	507	507	.....	543	544	CH. 34
779. (SUBSTITUTE) Committee on Education (originally sponsored by Representatives Johnson, Fortson and Laughlin): Implementing laws relating to the teachers' retirement system.	811, 979	811	848	945, 949	949	950	871, 947	1000	1003	CH. 199 P. V.
784. Representatives Bausch and Ehlers: Increasing mileage allowance for state officials and employees.	1015	1016	.....	1016	1016	1016	.....	1020	1020	CH. 157
799. Representatives Hayner, Benitz, Schumaker and Tilly: Providing that county may let contract up to \$3,000 without bid.	174	175	354, 724	.....	.....	.....	*	.....	.....	.....
804. (ENGROSSED) Representatives Freeman, Bagnariol, Pullen, Eng, Kopet, Curtis, Hansen, North (Frances), Cunningham, Kelley, Smythe, Charette, Gaspard, Polk, Kuehnle, Barden, Eikenberry, Rabel, Hendricks, Schumaker, Kraabel, Pardini, Hayner, Randall, Matthews, Gilleland, Hansen and Leckenby: Enacting truth in spending act of 1974.	136	136	315	401	401	401	473	474	CH. 48

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816. (ENGROSSED) Representatives Hansen, Ellis, Moon, Clemente and Tilly: Requiring trains to show oscillating lights.	310, 616	311	415	507	508	508	616	616	CH. 90
820. (ENGROSSED) Representatives Patterson, Charnley, Rabel, Goltz, Freeman, Benitz, Thompson, Maxie and Tilly: Authorizing method of creating mandatory student association fees at institutions of higher education.	74	84	394	.....	.....	.....	*	.....	.....	.....
833. (ENGROSSED SUBSTITUTE) Committee on Local Government (originally sponsored by Representatives Blair, Paris, Douthwaite, Van Dyk, Rabel and Chatalas) (by Executive request): Providing standards for detention and correctional facilities.	159, 543	159	345	486	489	489	.....	559	559	CH. 81
867. (SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives Perry and Kraabel): Preserving allocations of urban arterial trust account funds when construction delayed due to court order.	823, 1039	837	.....	951	951	951	837, 871	1040	1040	CH. 168 P.V.
869. (SUBSTITUTE) Committee on Ecology (originally sponsored by Representative Luders): Relating to air pollution.	811	811	848	951	952	952	872	980	983	CH. 164
916. (ENGROSSED) Representatives McCormick, Bagnariol and May: Relating to outdoor advertising.	310, 1008	311	380	433	433	433	.....	523	523	CH. 154
931. (ENGROSSED) Representative Luders: Implementing laws relating to insurance.	310, 543	311	416	453	453	453, 1009	1009	559	559	CH. 82
946. Representatives Matthews and Adams: Permitting department of social and health services to adjust vendor's rates.	74	84	373	.....	.....	.....	*	.....	.....	.....

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

1031. (ENGROSSED) Representatives Curtis, Kilbury, Hansen, Tilly and Morrison: Adding new members to agricultural pesticide advisory board.	310	311	352	401	401	401	473	474	CH. 20
1037. (SUBSTITUTE) Committee on Agriculture (originally sponsored by Representative Kilbury): Regulating the egg industry.	522, 1039	524	768	873	873	873	*, 872	1040	1040 VETOED
1039. (SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representative Kilbury): Relating to water rights.	521	524	848						
1043. (ENGROSSED SECOND SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representative Kilbury): Providing for an animal diagnostic laboratory.	891								
1044. (ENGROSSED) Representatives Bluechel, Bagnariol and Berentson: Defining "original producer" of nursery stock for taxation purposes.	75, 544	84	427	467	468	468	559	559	CH. 83
1049. (SUBSTITUTE) Committee on Labor (originally sponsored by Representatives Parker and Savage): Requiring minimum standards for self-insurers with regard to industrial insurance to be set by the director of labor and industries.	310	311	373, 748	1016, 1020	1021	1021	*, 1017		
1059. (REENGROSSED) Representatives Perry, Rabel, Sommers, North (Frances), Fortson, Valle, Eng, Johnson, Wojahn, McCormick, Maxie and North (Lois): Establishing Washington state women's council.	75	84							
1063. (ENGROSSED SUBSTITUTE) Committee on Transportation and Utilities (originally sponsored by Representatives Douthwalte and Kraabel): Changing laws relating to metropolitan municipal corporations.	148, 543	149	373	422	422	422	414	559	559 CH. 84

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

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1065. Representatives Hayner, Eikenberry, Knowles and Pullen: Requiring that a copy of every adverse decision and order in administrative proceedings be transmitted to the party's attorney of record.	310	311								
1077. (SECOND SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Wojahn, McCormick, Savage and Laughlin): Requiring contractual provisions to provide hospitalization for alcoholism.	174, 642	175	373	402, 407	402, 407	408, 642	404, 642	660	671	CH. 119
1079. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Valle, Conner, Goltz, Flanagan, Zimmerman, Warnke, Fortson, Kilbury, Lysen and Eng): Prohibiting the smoking of tobacco at public meetings.			NOT INTRODUCED							
1084. Representative Moon: Setting maximum rate of interest permitted on time deposits of public funds.	229	230	315	490	495	495	432, 476	522	523	CH. 50
1093. (ENGROSSED SUBSTITUTE) Committee on Commerce (originally sponsored by Representatives Adams, Parker, Wojahn and Curtis): Providing fees for professional licenses.	229	230	452, 748							

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1171. (ENGROSSED) Committee on Education (endorsed by Representatives Bauer, Ellis, Brown, Ehlers, Hoggins, Johnson, Clemente, Fortson, Bender, Eng, Smythe, Tilly, Warnke, Chatalas, Gaines, Maxie, Laughlin and Van Dyk): Setting out policy for administration of urban, rural, racial and disadvantaged education programs.	229, 544	231	373	460	460	460	.....	559	559	CH. 85
1173. (ENGROSSED) Representatives Laughlin, Zimmerman, Bauer and Gaines: Granting counties power to expend certain moneys.	159	160	342	453	453	454	.....	523	523	CH. 51
1177. (ENGROSSED) Representatives Charette, Newhouse and Cunningham: Establishing qualifications for persons assessing personal property.	811	812	.....	.....	.....	.....	.....	.....	.....	.....
1180. Representatives Thompson, Gaines and Zimmerman: Relating to purchases of election materials.	184	184	452	470	470	470	.....	523	523	CH. 52
1181. (ENGROSSED) Representative Luders, Kopet, Haussler, Bauer, Fortson, Gaines, Gallagher, Hansen, Hurley, Knowles, May, McCormick and Schumaker: Providing for sale of certain second class shorelands.	310, 1039	311	768	1011	1013	1013	.....	1040	1042	CH. 186 P.V.

1183. Representatives Parker, Polk and Adams: Making certain changes in the laws relating to emergency services.	227, 979	231	416, 705	761	764	764 *	1000	1003	CH. 171
1185. (ENGROSSED SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Sommers, Shlnpoch, Perry, Erickson, Bender and Blair): Making revision to the timber taxation laws.	741, 1039	742	768	965	976	976	874, 929, 945, 973, 976, 991-992	1040	1040 CH. 187 P. V.
1194. (ENGROSSED) Representatives Smith, Randall and Beck: Establishing eligibility requirements for commercial herring licenses.	257	258							
1201. (ENGROSSED) Committee on Social and Health Services (endorsed by Representatives Adams, Parker, Fortson, Ellis, Paris, Savage, Cunningham, Hendricks, Johnson, May, Freeman, Wojahn, Zimmerman, Gaines and Tilly): Authorizing cities to enter into health services contracts.	159	160							
1202. Committee on Social and Health Services (endorsed by Representatives Parker, Adams, Jastad, Ellis, Fortson, Eng, Johnson, Savage, Freeman, Matthews, Hendricks, Zimmerman, Tilly, Beck, Chatalas and Gaines): Enacting a good samaritan law.	136	136	374			*			
1203. (ENGROSSED) Committee on Social and Health Services (endorsed by Representatives Adams, Parker, Fortson, Savage, Cunningham, Freeman, Paris, Hendricks, Johnson, May, Ellis, Wojahn, Zimmerman, Gaines and Tilly): Authorizing counties to enter into health services contracts.	159	160							

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1206. Representatives Bagnariol, Pardini and Kopet (by Office of Program Planning and Fiscal Management request): Transferring federal revenue sharing trust fund to state general fund.	309	311	343	385	385	385	.....	473	474	CH. 53
1208. (ENGROSSED) Representatives Smith, Polk, Thompson and Paris: Providing for electrical contractor qualifying certificates.	174, 891	175	226, 718	780	781	782	425	891	892	CH. 188 P. V.
1211. (ENGROSSED) Representatives Haussler, Bausch, Hendricks and Van Dyk: Providing for an alternative date for filing of final budgets by port districts.	184	184	343	386	386	386	.....	473	474	CH. 19
1226. Committee on Transportation and Utilities (endorsed by Representatives McCormick, Nelson; Gilleland, Patterson, Berentson, Ceccarelli, Beck, Pullen, Garrett, Gaines, Laughlin, Clemente, Bender, Kraabel, Hansen, Perry, Lysen, Gallagher, Leckenby and Charnley): Regulating metro vehicles.	148	149	394	462	462	462	.....	523	523	CH. 76
1230. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Jastad, Chatalas, Conner, Moon and Matthews): Providing for dental examining board and dental examiners.	811	812	.....	.....	.....	.....	.....	.....	.....	.....

1233. (ENGROSSED) Representatives Sommers, Flanagan and Douthwaite: Authorizing tax refunds based on assessed value reductions and prohibiting refunds of less than two dollars.	310	312	521	.....	*	.....	.....	.....	.....
1234. Representatives Brown, Randall and Hoggins: Substituting a state hearing examiner appointed by state board of education to perform duties of county committees on school district organization.	184	184	374	.....	*	.....	.....	.....	.....
1238. Representatives Conner, Anderson and Berentson: Providing for permits for logging trucks.	257, 891	258	452, 718	788	788	788	564, *	891	892 CH. 172
1239. Representatives Brown, Warnke and Fortson: Reclassifies school districts with respect to number of enrolled students rather than total population of area and limits classification to first and second class districts.	184	185	308	.....	*	.....	.....	.....	.....
1240. Representatives Brown, Amen and Haussler: Removing certain meat dealers' fees.	310	312	352	404	404	404	.....	473	474 CH. 18
1242. (ENGROSSED) Representatives Gallagher, Hansey, Martinis, Erickson and Parker: Providing for use of hand-held gear for commercial salmon fishing.	174	175	308, 697	.....	*	.....	.....	.....	.....
1245. (ENGROSSED) Representatives Kuehnle, Morrison, Conner, King, Barnes, Honan and Hayner (by Washington Public Employees' and Law Enforcement and Fire Fighters' Retirement Board request): Enacting 1974 LEFF retirement system amendments.	521	524	.....	647	647	647	.....	660	671 CH. 120
1255. Representatives Gallagher, Berentson and Hansen: Permitting compactor-type two axle garbage trucks to purchase additional gross weight tolerances.	310, 543	312	416	455	455	455	.....	559	559 CH. 86

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

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1258. Representatives North (Lois), Knowles, Polk and Smith: Requiring interest to be paid by state and its political subdivisions on judgments arising out of their tortious conduct.	229	231	419, 697				550, *			
1259. Representatives Charette, Knowles and Clemente: Relating to construction of statutes.	310	312	380	525	525	525		559	559	CH. 87
1261. Representatives Bagnariol and Kopet (by Office of Program Planning and Fiscal Management request): Abolishing motor vehicle excise tax fund and providing for distribution of motor vehicle excise taxes from general fund.	309	312	343	404	404	405		473	474	CH. 54
1263. (ENGROSSED SUBSTITUTE) Committee on Ways and Means—Revenue (originally sponsored by Representatives Randall, Hoggins, Ehlers, Luders and Curtis): Exempting school districts from having to contract for services from fire protection districts.	356, 544	356	394	461, 501	461, 501	501	461, 462	559	559	CH. 88
1269. Representatives Conner and Savage: Adding additional judge for counties of Clallam and Jefferson jointly.	229, 979	231	419, 697	872	872	872 *		1000	1003	CH. 192

1272. Representatives Valle, Pardini, Ceccarelli, Polk, Kelley, Van Dyk and Matthews: Providing disability insurance for services of oral surgeons licensed under the dentistry act.....	229	231	315	405	405	405	.....	473	474	CH. 42
1273. (ENGROSSED) Representatives Curtis, Hausler, Knowles, Gaines and Wilson: Providing for filling of vacancies in fire commissioner positions.	229	231	343	386	386	386	.....	473	474	CH. 17
1274. (ENGROSSED THIRD SUBSTITUTE) Committee on Education (originally sponsored by Committee on Education): Implementing teachers' retirement act.	1000	1000	.....	1001	1001, 1009	1009	1000, 1002	1020	1020	CH. 193
1276. Representatives Charette, Eikenberry and Kelley (by Attorney General request): Defining exempted transactions under consumer protection act.	310, 1039	312	472, 724	518, 977	977	977	*, 519, 548-550, 556-557	1040	1040	CH. 158
1279. (ENGROSSED) Representatives Douthwaite, Blair, Chatalas, Kraabel and Nelson: Raising renewal fees for professional engineers and surveyors.	811	812	.....	.....	.....	.....	.....	.....	.....	.....
1281. (ENGROSSED) Representatives Luders, Ceccarelli, Knowles, Warnke, Hansen and Bauer: Providing for minimum standards conditions and terminology for health care service contracts.	229	231	416	.....	.....	.....	*, 416	.....	.....	.....
1282. Representatives Bauer, Brown and Perry (by Superintendent of Public Instruction request): Authorizing school transportation pilot program and transferring certain programs from jurisdiction of superintendent of public instruction.	257, 543	258	374	405	406	407	.....	559	559	CH. 91

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1283. Representatives Laughlin, Bauer, Zimmerman, Paris, Thompson, Kilbury, Tilly, Kishimoto, Haussler, Patterson and Luders: Providing for a compact between Washington, Oregon and Idaho relating to Columbia River anadromous fish.			NOT INTRO- DUCED							
1288. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representative Randall): Changing the interest rate on delinquent property taxes to eight percent.	892, 1039	1010		1010	1010	1010		1040	1042	CH. 196
1292. (ENGROSSED) Representatives Kopet and Charette (by State Treasurer and Office of Program Planning and Fiscal Management request): Abolishing war veterans' funds when no obligations remain payable therefrom.	310, 1039	312	741	978	978	979		1040	1040	CH. 173
194. Representatives Bauer and Hoggins (by Superintendent of Public Instruction request): Enumerating additional impediments to local registration of teachers' certificates and additional grounds for revocation thereof.	184	185	374	408, 424	408, 424	424	408	523	523	CH. 55
1295. (ENGROSSED) Representatives Perry, Kraabel, Charnley, Kishimoto, Rabel, Ceccarelli and Van Dyk: Providing for establishment, improvement, and upgrading of bicycle routes.	310, 616	312	394	478	479	480		616	616	CH. 141 P. V.

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1296. (ENGROSSED) Representatives Warnke, O'Brien and Hayner (by Superintendent of Public Instruction request): Reaffirming limited rights of state board of education over private schools.	184, 615	185	309	466	467	467	616	616	CH. 92
1297. (ENGROSSED) Representatives Martinis, Hansey, Thompson, Kalich and Luders: Authorizing certain inspections by the department of game.	229	231	374, 697	.....	.....	.....	*	.....	.....	.....
1300. Representatives Conner, Tilly, Beck, Ellis, Bauer, Ceccarelli, Gaines and Hendricks (by Superintendent of Public Instruction request): Reinstating Memorial Day and Veterans' Day on same days as holidays for other state employees.	174	175	309	.....	.....	.....	*	.....	.....	.....
1301. Representatives Parker, Bagnariol, Curtis, Randall, Freeman, Adams, Fortson, Hansen, Ceccarelli, Hendricks, Matthews, Pullen and Van Dyk: Phases out inventory taxes.	891, 1055	1044	.....	1044	1048	1048	1049	1057	1057	CH. 169 P.V.
1302. Representatives Ceccarelli, Pardini and Gaspard: Providing for changes in laws regulating industrial development corporations.	174	175	315	408	408	409	.....	473	474	CH. 16
1303. (ENGROSSED) Representatives Gaspard, Pardini and Ceccarelli: Providing for changes in the state securities law.	229	231	316	409	410	428	410, 425, 428	523	523	CH. 77
1303. Representatives Ceccarelli, Eikenberry and Pardini (by Office of Program Planning and Fiscal Management request): Establishing and prescribing functions of committee on deferred compensation.	472	524	.....	.....	.....	.....	*	.....	.....	.....
1309. Representative Bauer (by Superintendent of Public Instruction request): Deleting superfluous and misleading RCW references from 1989 school building financial assistance act.	310	312	374	410	410	410	.....	473	474	CH. 56

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

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1310. (SUBSTITUTE) Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch): Adopting a supplemental budget on sundry and belated claims.	616	618		618	636	636	618	660	671	CH. 142 P. V.
1316. Representatives Newhouse, Sommers, Bagnariol and Rabel: Prohibiting the sale and limiting the lease of university tract properties.	718	719	769	983	983	983		1000	1003	CH. 174
1321. Representatives Luders, Bausch, Morrison, Zimmerman, Bauer and Laughlin: Regulating water supply operators.	310	312								
1328. (ENGROSSED) Representatives Douthwaite, Ceccarelli, Chatalas, Barnes, Charnley, Valle, Lysen, Perry, Cunningham, Leckenby and Van Dyk: Providing means for port districts to undertake abatement of airport noise.	472	524		652	652	653		660	671	CH. 121
1334. Representatives Randall, Sommers and Pardini (by Department of Revenue request): Authorizing additional grounds for property tax refunds.	616	644		644	645	645		660	671	CH. 122
1341. (ENGROSSED SUBSTITUTE) Committee on Labor (originally sponsored by Representatives King, Morrison, Charette, Savage, Beck and Bausch): Providing for an educational employment relations act.	305	305	395, 739	1022			*, 1002, 1017, 1020, 1038, 1042			

1354. Representatives Charette and Knowles (by Code Reviser request): Pertaining to business and professions—code correction.	305	306	380	429	429	430	.....	523	523	CH. 25
1355. Representatives Charette and Knowles (by Code Reviser request): Pertaining to pensions of volunteer firemen—code correction.	305	306	381	430	430	480	.....	523	523	CH. 26
1356. Representatives Charette and Knowles (by Code Reviser request): Pertaining to department of labor and industries—code correction.	305	306	381	430	430	430	.....	523	523	CH. 27
1357. Representatives Charette and Knowles (by Code Reviser request): Pertaining to state highway commission—code correction.	305	306	381	431	431	431	.....	523	523	CH. 29
1358. Representatives Charette and Knowles (by Code Reviser request): Pertaining to motor vehicle fuel taxes—code correction.	305	306	381	431	431	431	.....	523	523	CH. 28
1359. Representatives Charette and Knowles (by Code Reviser request): Pertaining to domestic relations—code correction.	305	306	.....	.....	.....	.....	.....	.....	.....	.....
1360. Representatives Charette and Knowles (by Code Reviser request): Pertaining to industrial insurance—code correction.	305	306	381	432	432	432	.....	523	523	CH. 30
1361. Representatives Charette and Knowles (by Code Reviser request): Pertaining to water districts—code correction.	305	306	381	432	432	432	.....	523	523	CH. 31
1363. (ENGROSSED) Representatives Bagnariol, Hendricks, Bausch and Ceccarelli: Providing for public employment retirement.	474, 1039	524	741	980	982	982	679-680	1040	1042	CH. 195

*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

1407. Representatives Sommers and Randall: Defining "adopted child" for purposes of inheritance land gift tax laws.	522	525	769	988	991	.....	*	991	.....	.....
1420. (ENGROSSED) Representatives Clemente, Kopet and Luders (by Superintendent of Public Instruction request): Setting forth distribution formula for state funds apportioned to school districts.	310, 544	313	375	411	411	411	.....	559	559	CH. 89
1423. (ENGROSSED) Representatives Perry, Kraabel and Beck: Amending laws relating to tax on ATV fuel.	345, 659	346	427	652	662	662	.....	675	676	CH. 144 P. V.
1437. Representatives Goltz, Bagnariol, Kopet and Gaines: Assures budgets setting forth costs arising from higher education personnel law in institutions of higher education go to director of office of program planning and fiscal management for review.	310	313	521, 769	.....	.....	.....	*	.....	.....	.....
1463. (ENGROSSED) Representatives Perry, Charnley, Kraabel, Berentson and Hayner (by Superintendent of Public Instruction request): Authorizing school districts to enter into contracts with other governmental entities to provide for transportation of both students and public through use of school transportation facilities.	305, 616	306	375	412	429	429	413, 429	616	616	CH. 93
1469. (ENGROSSED SUBSTITUTE) Committee on Agriculture (originally sponsored by Representatives North (Frances), Nelson, Smith, Hoggins, Ceccarelli and Fortson): Preventing cruelty to animals.	305, 381	306	316	347	350	351	317, 321	382	382	CH. 12

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*Referred from Senate Committee on Rules to a Senate Standing Committee February 22, 1974.

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1478. (ENGROSSED) Representatives Hoggins, Paris, O'Brien, Ceccarelli, Curtis, Amen, Juelling, Zimmerman, Eng, Conner, Leckenby, Chatalas, Maxie, Honan, Pullen, Hayner, Flanagan, Hurley, Bauer and Matthews: Expanding the exemptions from charitable solicitations law for charitable, religious or educational purposes.	310	313								
1494. Representatives O'Brien, Perry, Wojahn, Ceccarelli, Bagnariol, Pardini, Thompson, Gallagher, Bauer, Chatalas, Eng, Hurley, Maxie, May, McCormick, Van Dyk and Warnke: Including furnishing of textbooks among ancillary services of school districts.	258	258								
1504. (SUBSTITUTE) Committee on Social and Health Services (originally sponsored by Representatives Adams and Parker): Enacting the "health act of 1974".	811	812	849	993	993	993		1020	1020	CH. 175
1508. (ENGROSSED) Representatives Blair, Parker, Kraabel, Luders, Wojahn and Erickson: Allowing insurance rates to reflect differences on risk factors between the sexes.	310	313	375	422	423	424	313, 414	523	523	CH. 32
1516. Representatives McCormick and Luders: Expediting certification of thermal power plant sites and lines.	345	356	427							* , 598

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker	Signed by President
17. (ENGROSSED) Representatives Martinis, Savage, Smythe, Conner, Thompson and Wilson: Petitioning congress to enact legislation to protect employee pension rights.	159	160	316	414	414	414 Passed	473	474

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
59. Representative Charette: Notifying governor that legislature is organized.	12	12	.....	12	12	12 Adopted	12, 13	32	32
60. Representative Charette: Joint sessions to receive governor's state of the state message on January 14, 1974 and honoring United States Senator Henry M. Jackson on January 15, 1974.	12	13	.....	13	13	13 Adopted	.....	32	32
62. (ENGROSSED) Representatives Adams, Parker and Wajahn: Requiring department of social and health services develop a cost-related reimbursement system for nursing homes.	174, 643	175	416	550	551	551, 643	643	660	671
63. Representatives O'Brien, Bluechel, Beck, Bagnariol, Shinpoch, Zimmerman, Hurley, Sommers, Charnley, Rabel, Moon, Hendricks, Barnes, Honan, Nelson, Polk, Kishimoto, Hoggins, Matthews, Berentson, Erickson, Charette, Jastad, North (Lois) and Brown: Commemorating tenth anniversary of Seattle Opera Association.	122	122	.....	122	122	122 Adopted	.....	126	127
64. Representatives Valle, Eng, Flanagan, Rabel, Kilbury, Goltz, North (Frances), Lysen, Blair, Ellis, Nelson, Bender, Charnley, Berentson, Bausch, Beck, Honan, North (Lois), Maxie, Douthwaite, Newhouse, Bluechel, Perry, Gaines, Johnson and Randall: Declaring a 'no smoking' day in the legislature.	122	123	123	123	123 Adopted	126	127

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

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SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

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**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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**Appointment confirmed.
GA—Gubernatorial Appointment.
SFR—Senate Floor Resolution.
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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BOWEN, DR. DALE

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 **Appointment confirmed.
 GA—Gubernatorial Appointment.
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 (a)—Amendment to original bill.

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CARBONE, DANIEL F.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Meals, nutritious, breakfast, lunch, provisions, program, participation, SB 3345, Sub SB 3345

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- Abuse, information, sharing, with certain persons, permitted, SB 3177
- ADC, support proceedings, class AA counties, attorney general authority, SB 2211
- Adopted child, defined, inheritance, gift tax purposes, HB 1407
- Child development centers, schools, breakfast, lunch, provision, program participation, SB 3345, Sub SB 3345
- Death, injury, wrongful, parental supporters, survival of actions provisions, Sub HB 251
- Handicapped, care of private charitable organizations, state owned facilities, leasing authorized, SB 3328
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- Schools, low income families, supplemental nutritional meals, district participation provisions, SB 3345, Sub SB 3345
 - Supplemental nutritional meals, district participation provisions, SB 3345, Sub SB 3345
- Stepchildren, support obligation, ceases with separation or divorce, SB 2973
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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First class city, over 200,000 population, city retirement system credits, transfer permitted, *SB 3184, CH. 148 PV

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Health care, group, employees, municipal self-insurance authorized, *HB 931, CH. 82

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Pension system, investment counseling, certain banks authorized, HB 1118

Physicians, health department employment, conditional licensing authorized, SB 3087

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Plats, subdivisions, hearings, notices, approvals, general revisions, *2nd Sub HB 383, CH. 134 PV
- Police, first class cities, firemen's service credits, transfer permitted, *SB 3184, CH. 148 PV
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- Reservoirs, municipal water, protective covering, state agency requirement prohibited, SB 3381
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- Speed limits, streets, highway commission establishment, federal requirements conformity, *Sub SB 3106, CH. 103
- Tortious conduct, governmental acts, judgments, interest payments provisions, HB 1258
- Veterans, civil service, competitive examination, preference points utilization, first appointment, *Sub HB 94, CH. 170
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- Public works, bids, ten percent over estimate, construction by city authorized, HB 515

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- Teachers, common schools, requirement removed, SB 2118

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- Legal interns, employment by city attorneys permitted, *SB 2962, CH. 7

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- Industrial loan companies, sue, be sued in corporate name, provisions, HB 393
- Injunctions, public works, restraining order delays, bond requirement determination provisions, *Sub HB 541 (VETOED) (OVERRIDDEN) CH. 153
- Judgments, abstracts, lien cessation certifications, preparation, court clerk preparation fee provision, SB 3072
 - Transmittal, filing fee, requesting party payment provisions, SB 3093
 - Transcripts, U.S. other county, justice courts, court clerk filing fee increased, SB 3099
- Justice courts, certain civil, criminal actions, filing fee increased, SB 3134
- Medical malpractice, complaint, amount claimed, statement provision, SB 3151
- Municipal contracts, competitive bidding requirements, issuance violations, penalties, *SB 2408(a), CH. 74
- Negligence, contributory, no greater than other persons, recovery actions permitted, HB 1167
 - Gross, state officials, employees, actions, payment obligations, tort claims fund provisions, SB 3324
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- Patients' records, civil action case, release provisions, SB 3138
- Probate, laws, provisions, selective revisions, *Sub HB 748, CH. 117

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Superior court, Clallam/Jefferson counties, judges, number increased, SB 3181(a), *HB 1269, CH. 192

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- Parliamentary inquiry, motion by Senator Grant, refer amendment by
 - Senator Greive to committee on constitution and elections pp. 236-237
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- Snake river bridge construction, Lewiston, appropriation petitioned, *SJM 106

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 **Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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- Labor, industries, department, double amendments, corrected, *HB 1356, CH. 27
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- Everett-Edmonds community college district no. 5 board,
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- Hospital commission, member, *GA 171 pp. 44, 159, 734

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- Art, new building construction, expenditure authorized, SB 3146, *Sub SB 3146, CH. 176 PV
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- State colleges, names changed to university, SB 3342

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Students, association fee, mandatory, election provision, HB 820
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- Art, new public buildings, colleges, schools, construction, expenditure authorized, SB 3146, *Sub SB 3146, CH. 176 PV
- Asian-American affairs, governor's office, established, *HB 1169, CH. 140 PV
- Citizens' commission on salaries for elected officials, created, duties, SB 3375, *SJR 149
- Columbia river gorge, membership increased, environmental economic balance, planning duties, appropriation, SB 3199
- Common school financing, created, duties, SB 3191

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

COMMISSIONS—Continued:

- Creation, combining by governor prohibited, referendum provision, SB 2980
- Criminal justice training, created, duties, *Sub SB 2132(a), CH. 94
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- Parole, social and health services department, established, duties, SB 2519
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

COMMUNITY COLLEGES—Continued:

- Tuition fee, excess repayment amounts, general fund allocation, SB 3353, *Sub SB 3355, CH. 112
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- Employees, collective bargaining, national labor relations board precedents, similarity, establishment provisions, *SB 3041, CH. 1
- Faculty, staff, reduction in force, state auditor, necessity determination report provision, SB 3196
- Tenure appointments, review committee, student representative provision, *HB 556, CH. 33
- Housing, certain, separate, sex basis, authorized, SB 3382
- Refunding bond retirement fund, created, SB 3355, *Sub SB 3355, CH. 112
- Staffs, tuition, other fees, exemption provision, SB 3344
- Students, association fee, mandatory, election provision, HB 820
- College, university, separate, housing, sex basis, authorized, SB 3382
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Mentally ill, information release, SB 3379 consideration permitted, oversight correction, *SCR 152
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- Rivers, wild, scenic, recreational system establishment, studies, HB 582
- Salmon, commercial fishing licenses, number limitation, decreased, SB 2940
 - Vessel delivery permits, number limitations, provisions, *3rd Sub SB 2940, CH. 184 PV
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA.—Gubernatorial Appointment.

SFR.—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Building, state code, provisions, Sub SB 2634, *2nd Sub SB 2634, CH. 96
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 - Injunction, restraining order delays, bond requirement determination provisions, *Sub HB 541 (VETOED) (OVERRIDDEN) CH. 153
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Athletic, sport franchises, private nongovernmental, ad valorem tax exemption, *HB 1006, CH. 118
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- Cemetery prearrangement, services, qualified depositories, federal credit unions, federal savings and loan association, included, SB 3153
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- Disability insurance, newborn infant coverage provisions, SB 3195, *HB 1144, CH. 139 PV
- Health care services, minimum standard conditions, terminology, regulation, HB 1281
- Health services, cities, towns, contracting authorized, HB 1201
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- Insurers, major functions control, delegation, prohibited, *HB 931, CH. 82
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- Personal services, certain, office of program planning and fiscal management, approval, filing requirement, *Sub HB 90, CH. 191
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 - Compilation, assistance, advisory committee duties, SB 3132
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- Sound recording, unauthorized reproductions, sale, crime, *SB 3052, CH. 100

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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Legal interns, employment by city attorneys permitted, *SB 2962, CH. 7

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

COUNTIES

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 state support provisions, *SB 3351, CH. 71
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 *HB 474, CH. 136 PV
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Port districts, class AA county, commissioner districts, boundaries establishment, elections, provisions, SB 3275
 - Treasurer, other than county treasurer, selection authorized, *SB 2095(a), CH. 13
- Professional services, competitive bidding not required, *SB 2408(a), CH. 74
- Property, real, retired persons' residences, payment deferral authorized, SB 2981
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 - Five commissioner designation, project construction cost basis, HB 184(a)
 - Preliminary work, construction period, county, taxing district burden, payment provision, *SB 3366, CH. 72
- Public works, contracts, less than \$3,000, without bid, provision, HB 799
- Reforestation lands, proceeds, county disposition, allocations, provisions, SB 2480, Sub SB 2480
- Regional planning commissions, plans, programs, municipal conformity provisions, SB 2318
- Reservoirs, municipal water, protective covering, state agency requirement prohibited, SB 3381
- Sewer districts, sewer systems defined, *SB 2572, CH. 58
 - Storm, surface water, services, combined charges, authority provisions, *SB 2572, CH. 58
- Shorelines, master regulation program, development time extended, *SB 3050, CH. 61
- Speed limits, roads, highway commission establishment, federal requirements conformity, *Sub SB 3106, CH. 103
- Taxes, real property, assessment data, owner self-reporting provisions, *SB 3135, CH. 131
- Tidelands, shorelands, state, conveyance, park purposes, provisions revised, SB 2946(a)
- Tortious conduct, governmental acts, judgments, interest payments provision, HB 1258
- Transportation, public, transportation authority creation authorized, funding provision, *Sub HB 670(a), CH. 167 PV
- Travel, mileage expenses, officials, compensation allowance, limitation repealed, *HB 150, CH. 24
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- Wahkiakum, Cowlitz boundary, study, state park establishment purposes, SCR 147
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- Personal property, assistant county assessors, qualifications established, HB 1177
- Property, assessment ratio, ten percent true cash value deviations, valuation appeals permitted, SB 3217
 - True cash value percentage, posting, notice, provisions, SB 3217
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- Voter information, registration lists, mailing labels, provision, *SB 3003, CH. 127

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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Justice administration, title only, SB 3270

Justice, second class and larger counties, re-elected incumbents, attorney requirement not applicable, Sub HB 550

Juvenile, new system, jurisdiction, powers, duties, SB 2689

Marriage dissolutions, restraining order violations, misdemeanor, *SB 3024, CH. 99

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COWLES, MRS. WILLIAM H. III

Higher education council, member, GA 172 pp. 44, 703

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CRASWELL, DR. BRUCE

Olympic community college district no. 3, board, trustee, GA 181 p. 728

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Animal cruelty, manner of transportation, confinement, crime, confiscation lien expenses, *Sub HB 1469, CH. 12
- Capital punishment, bill introduction permission, SCR 147 suspension request, SCR 154
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 - Law enforcement system, public school instruction provision, SB 3131
 - Training commission, created, duties, *Sub SB 2132(a), CH. 94
- Criminally insane, provisions, general revisions, SB 3312, *Sub SB 3312, CH. 198 PV
- Criminals, released, prior convictions, certain employment disqualifications, restrictions, removed, SB 3164
- Hotels, restaurants, defrauding, over \$75, felony, *HB 761, CH. 21
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- Keys, duplicate, public buildings, use, possession, crime, HB 242
- Motor vehicles, motorbikes, motorboats, stolen, manufacturer's serial number, altered, destroyed, vehicle disposition provisions, *SB 2416, CH. 124
- Rape, laws, revised, SB 3173
- Sound recordings, unauthorized reproductions, sale, crime, *SB 3052, CH. 100
- Telephone, telegraph services, fraudulent use, schemes, payment evasion purposes, penalties, *SB 3169, CH. 160
- Tenants, rental contracts, non-payment, no forwarding address, crime, SB 2881
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- Information, use, control, provisions, SB 3094

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- Provisions, general revision, SB 3312, *Sub SB 3312, CH. 198 PV

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- Taxes, ad valorem, livestock, agricultural products, phasing out schedule, *HB 1301, CH. 169 PV

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- Consumer goods, services, implied warranties disclaimers, provisions, *Sub HB 10, CH. 78
- Emergency care, scene of emergency, negligence damages, not liable, HB 1202
- Residential property, rental refusal, possible damage reimbursement problem basis, not discriminatory, SB 3382(a)

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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Yakima Valley community college district no. 16, board, trustee,
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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Community college students, pursuing high school, G.E.D. certificate, free tuition, HB 241

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Students, college, university, separate housing, sex basis, authorized, SB 3382

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Hydroelectric, PUD's, first class designation, project construction cost basis, HB 184
 - Five commissioner designation, project construction cost basis, HB 184(a)
- Irrigation, electric energy, purchase, surplus disposal, provisions, SB 2627
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- Port, treasurer, other than county treasurer, selection authorized, *SB 2095, CH. 13
- Public utility, hydroelectric, first class designation, project construction cost basis, HB 184
 - Five commissioner, designation, project construction cost basis, HB 184(a)
 - Nuclear, thermal electrical facilities, planning, construction period, local government burden, county payment, contract permitted, SB 3182
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DIXON, TOM

- Evergreen state college, trustee, *GA 80 p. 708

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- Code, double amendment, corrected, HB 1359
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- Cost reduction, prescription drugs, formulary compilation, distribution, use provisions, SB 3132
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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DUECY, GEORGE

- State board for community college education, member, *GA 5 p. 706

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EARLEY, JOHN A.

- State canal commission, member, GA 167 p. 43

EAST BANKS IRRIGATION PROJECT

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- Social work, masters degree program, established, *SB 2574, CH. 14
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- Department, air pollution variances, application approvals, disapprovals, time limit provision, *SB 2969, CH. 59
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

ECOLOGY—Continued:

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- Local government, regulations, ecology department certification, conflict, hearings board resolution, SB 3310
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- Thermal power plants, governmental proposals, environmental policy act, certain requirements, exempt, SB 3325
- Site certification, applications, evaluation council study replaces environmental impact statement, HB 1516, SB 3329, *Sub SB 3329, CH. 110

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- Basic skills accountability system, grades K-6, program established, Sub HB 764
- Blind students, higher education, state funds, higher education council, duties transferred, *SB 3159, CH. 68
- Community college students, pursuing high school diploma, G.E.D. certificate, free tuition, HB 241
- Criminal justice, education and training standards boards, established, duties, *Sub SB 2132, CH. 94
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- Private schools, basic education requirement minimums, state control provisions, *HB 1296, CH. 92
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

EDUCATION—Continued:

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- Brand, registration, use, regulation, SB 3370, *Sub HB 1037, (VETOED)
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EIDAL, RICHARD A.

- Green river community college district no. 9 board, trustee, *GA 147 pp. 700, 776

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- Absentee ballots, application form, age, resident requirements provisions revised, *SB 3003, CH. 127
 - Applications, future elections, use provisions, SB 2429, *Sub SB 2429, CH. 35
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- Initiatives, referendums, noncharter counties, voter proposals, approvals, provisions, SB 3056
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- School director districts, division into five districts, candidacy, provisions, HB 387
- Service voters, absentee, official voters' pamphlet, secretary of state mailing duties, repealed, *SB 3003, CH. 127
- Special, county mandatory dates, SB 3044

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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 - Records, computer files, data storage, certain counties establishment required, cost reimbursement provision, *SB 3003, CH. 127
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- Electrical contractors, licensing, qualifying certificates required, issuance provisions, *HB 1208, CH. 188 PV
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- Irrigation districts, purchase, surplus disposal, provisions, SB 2627
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- Emergency care, scene of emergency, negligence damages, not liable, HB 1202
- Energy curtailment and/or allocation, created, powers, duties, SB 3170, Sub SB 3170

*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

EMERGENCIES AND EMERGENCY SERVICES—Continued:

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- Telephone, common state-wide number "911", access to all emergency, safety agencies, SB 3186

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- Educational employment relations act, school districts, community colleges, Sub HB 1341
- Hospital, public district, unemployment compensation, mandatory coverage, SB 3185
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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 **Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

§FR—Senate Floor Resolution.

(a)—Amendment to original bill,

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
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 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
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 **Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

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SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 **Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 **Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Garbage trucks, compactor type, two axle, additional gross weight tolerance, purchase authorized, *HB 1255, CH. 86
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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

** Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 **Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- *Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
**Appointment confirmed.
GA—Gubernatorial Appointment.
SFR—Senate Floor Resolution.
(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.
 **Appointment confirmed.
 GA—Gubernatorial Appointment.
 SFR—Senate Floor Resolution.
 (a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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 - Harvest, rate established, receipts distribution provisions, land valuation procedures, *Sub HB 1185, CH. 187 PV

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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**Appointment confirmed.
GA—Gubernatorial Appointment.
SFR—Senate Floor Resolution.
(a)—Amendment to original bill.

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*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

**Appointment confirmed.

GA.—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

